



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



2022-0001

Officer Involved Critical Incident - 2307 10th Street SW, Canton, Ohio

Investigative Activity: Search Warrant
Activity Date: January 7, 2022
Activity Location: BCI - Richfield
Authoring Agent: SA Matthew Armstrong #146

Narrative:

Search Warrant Obtained:

Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) Matthew Armstrong (Armstrong) drafted a search warrant for a black ZOSI Digital Video Recorder, Model: ZR08MM SN: ASJ20070601991 (Matrix Item #34) relative to the officer-involved critical incident which occurred on January 1, 2022.

On Friday, January 7, 2022, SA Armstrong met with Summit County Court of Common Pleas Judge Kelly McLaughlin (Judge McLaughlin). Judge McLaughlin reviewed the search warrant, search warrant affidavit, application to seal and order to seal. On January 7, 2022, at approximately 1100 hours, Judge McLaughlin signed/authorized the search warrant.

Search Warrant Executed:

On January 7, 2022, at approximately 1242 hours, SA Armstrong executed/served the aforementioned search warrant by submitting the cellular phone and a copy of the search warrant to the BCI Cyber Crimes Unit (CCU) for analysis.

On February 23, 2022, the BCI CCU turned over the following items of potential evidence:

- External hard drive containing data and video files extracted from the ZOSI DVR.

An inventory of the items seized was prepared with a copy provided to the Summit County Court of Common Pleas.

Search Warrant Returned:

On Wednesday, March 9, 2022, SA Armstrong met with Judge McLaughlin. Judge McLaughlin reviewed and signed the search warrant return. On March 9, 2022, SA Armstrong filed the

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Officer Involved Critical Incident - 2307 10th Street SW, Canton, Ohio

original search warrant, search warrant affidavit, inventory, search warrant return, application to seal and order to seal with the Summit County Clerk of Courts.

A copy of the search warrant documents and search inventory is attached to this Investigative Report.

Attachments:

2022-03-09 Filed Search Warrant - Williams DVR



Ohio Attorney General's Office
Bureau of Criminal Investigation
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2022-0001

Officer Involved Critical Incident - 2307 10th Street SW, Canton, Ohio

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IN THE COURT OF COMMON PLEAS
SUMMIT COUNTY, OHIO

SANDRA KURT

IN THE MATTER OF:

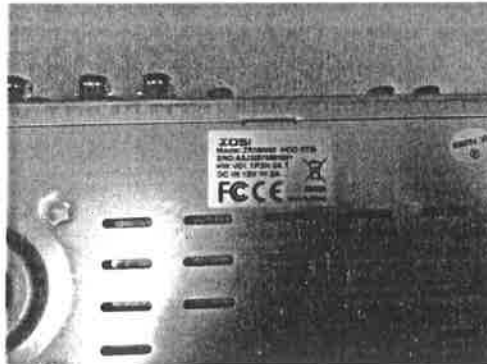
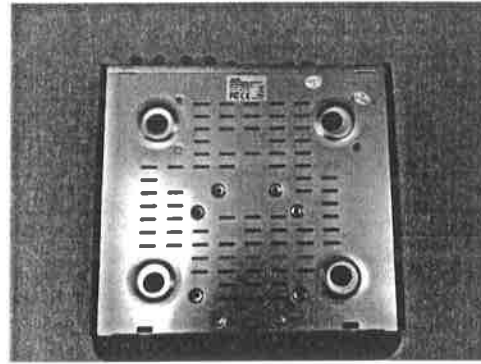
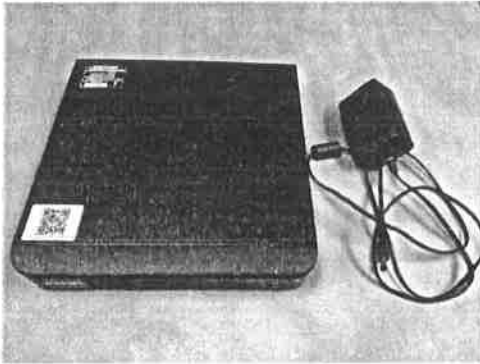
2022 MAR 9 AM 10:26 SEARCH WARRANT

SEARCH WARRANT FOR

SUMMIT COUNTY
CLERK OF COURTS

CM 2022 03 0057

- **Black ZOSI Digital Video Recorder, Model: ZR08MM SN: ASJ20070601991 currently stored in BCI evidence as case 2022-0001 Matrix Evidence Item #34**



TO: OHIO ATTORNEY GENERAL DAVE YOST, THE SUPERINTENDENT OF THE OHIO BUREAU OF CRIMINAL INVESTIGATION AND/OR SPECIAL AGENT MATTHEW ARMSTRONG #146 OF THE OHIO BUREAU OF CRIMINAL INVESTIGATION, ANY AGENTS OF THE OHIO BUREAU OF CRIMINAL INVESTIGATION, AND ANY LAW ENFORCEMENT OFFICERS AS AUTHORIZED. ADDITIONALLY, ANY COMPUTER FORENSIC SPECIALIST AS AUTHORIZED.

Whereas, there has been presented to me an affidavit demonstrating probable cause and reason to believe that evidence is contained in the Samsung DVR described below:

- **Black ZOSI Digital Video Recorder, Model: ZR08MM SN: ASJ20070601991 currently stored in BCI evidence as case 2022-0001 Matrix Evidence Item #34**

Before me, the Honorable Judge _____ of the SUMMIT County Common Pleas Court of Ohio, personally came BCI Special Agent Matthew Armstrong, who being first duly sworn according to law, deposes and says that he believes, and has good cause to believe, that evidence is contained on/in property, to wit: Black ZOSI Digital Video Recorder, Model: ZR08MM SN: ASJ20070601991 currently stored in BCI evidence as case 2022-0001 Matrix Evidence Item #34, and that it is necessary for the search thereof to be made in the DAYTIME.

If found, said items will be seized and used as evidence in the investigation and/or prosecution of Ohio Revised Code (ORC) section(s): ORC 2923.13 Having Weapons while Under Disability, ORC 2923.15 Using Weapons While Intoxicated, ORC 2923.20 Unlawful Transaction in Weapons, OCR 2903.02 Murder, ORC 2903.03 Voluntary Manslaughter, ORC 2903.04 Involuntary Manslaughter, and ORC 2903.041 Reckless Homicide.

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

YOU ARE HEREBY COMMANDED TO SEARCH AND SEIZE THE FOLLOWING PROPERTY, WHICH IS SUBJECT TO SEARCH AND SEIZURE:

- audio and video data information, images, photographs, videos, and any and all electronic communications and data transferred, created or otherwise stored and any related evidence stored from December 19, 2021, through January 1, 2021.
- electronic data processing and storage devices, recording devices, computer and computer systems including central processing units, internal and peripheral storage devices such as fixed disks, external hard disks, optical storage devices or other memory storage devices, backup media, system documentation, software and instruction manuals, external or internal drives and external storage equipment or media, acoustic couplers, automatic dialers, speed dialers, or signaling devices, electronic tone generating devices, any and all computer or data processing software, or data including but not limited to hard disks, magnetic tapes, integral RAM or ROM units, and any other permanent or transient storage devices, any and all active files or images and any closed or deactivated files or images within in the described property, including discarded deleted or erased files or images, as may be contained within the ZOSI DVR.
- Any and all data contained on the ZOSI DVR which includes previously erased data that may be located such as, but not necessarily limited to, Personal Data Assistant, secure media cards, smart cards, SIM cards, micro SD cards, digital camera media such as compact flash cards, in any format and, whether the data is stored in files, tables, other data structures, or unallocated space.

Authorization is granted to permit the Ohio Attorney Generals Office, Bureau of Criminal Investigation and/or their representatives to transport, mail, or otherwise remove the property or any part thereof to other locations as it becomes necessary to fully conduct the search of these items.

Authorization is granted to the law enforcement agency to which this warrant is issued to seize, listen to, read, review, make human readable or viewable copies or recordings of this data in order to preserve and protect the information and to thereafter hold, read, listen to, copy, view and maintain the above described property.

Said search may include production and examination of a duplicate memory card image, and the devices, and images, or analysis files, which contain all the data on the reference devices, and/or storage media, said duplicates, files and data becoming the sole property of the Ohio Attorney General's Office, Bureau of Criminal Investigation or other law enforcement agency with jurisdiction or property authority in this matter.

The law enforcement agency to which this warrant is issued is authorized to seize the above described materials and conduct further examination by a qualified computer expert, provided such expert operates under the direction, supervision, and control of said law enforcement agency.

Request for Modification of Three-Day Execution Timeline

The Affiant states that the requested search of the electronic media which is to be performed by the Ohio Bureau of Criminal Investigation is expected to require more than three days due to logistical and technical concerns. Hence the "extension" of the requested warrant may require several weeks or more from the beginning to the end. If the term "execution" were deemed to occur at the completion of the analysis, then it would be pragmatically impossible for law enforcement to comply with the three-day deadline and still properly conduct the search. Therefore, pursuant to Criminal Rule 45 (time computations), the Affiant respectfully requests this court to waive said search and or seizure to be initiated within three days (Criminal Rule 45). For good cause, the Affiant's petition for modification of the three-day execution deadline is granted.

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 forthwith for the property specified and located at the Ohio Bureau of Criminal Investigation, 4055 Highlander Parkway, Richfield, OH 44286, and if the property specified or any part thereof be found there, 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 Court of Common Pleas, SUMMIT County, 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 7th day of January, 2022.

[Signature]
Judge, Court of Common Pleas, SUMMIT County, Ohio

I certify this to be a true copy of the original
Sandra Kurt, Clerk of Courts.
[Signature] Deputy Clerk

IN THE COURT OF COMMON PLEAS

SUMMIT COUNTY, OHIO

SANDRA KUNT

IN THE MATTER OF:

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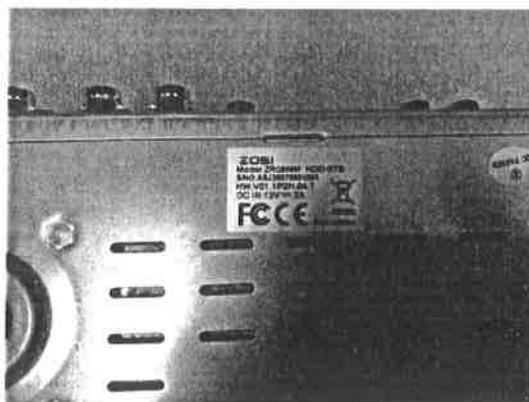
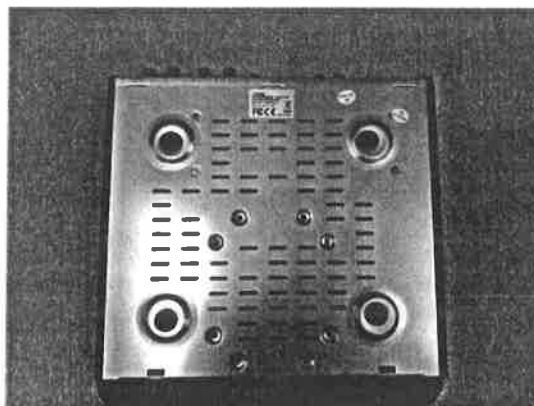
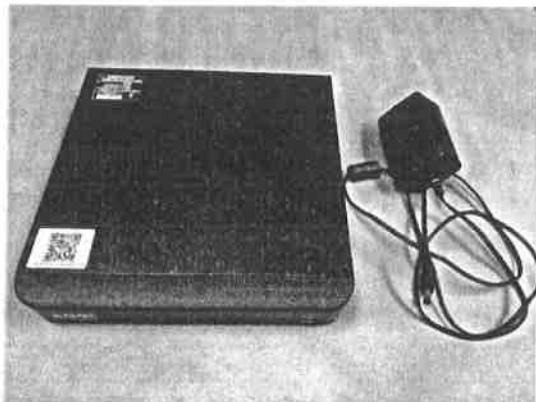
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AFFIDAVIT

SEARCH WARRANT FOR

SUMMIT COUNTY
CLERK OF COURTS

- Black, ZOSI Digital Video Recorder, Model: ZR08MM SN: ASJ20070601991 currently stored in BCI evidence as case 2022-0001 Matrix Evidence Item #34



AFFIDAVIT IN SUPPORT OF AN APPLICATION FOR A SEARCH WARRANT

I, BCI Special Agent Matthew Armstrong, Badge #146, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

- 1) I make this affidavit in support of an application for a search warrant for a black, ZOSI Digital Video Recorder, Model: ZR08MM SN: ASJ20070601991, currently stored in BCI evidence as case 2022-0001 Matrix Evidence Item #34, at 4055 Highlander Parkway, Richfield, Ohio 44286. The location to be searched and the items to be seized are described within this affidavit. Upon receipt of the information

described within this affidavit and search warrant, government-authorized persons will review the information and or video files to locate the items described within this affidavit and search warrant.

- 2) Your Affiant, Special Agent Matthew Armstrong, is a member of the Ohio Bureau of Criminal Investigation (BCI), Major Crimes Division, Special Investigations Unit (SIU), and his training and experience include the following: Affiant states he is a Special Agent in the Major Crimes Division, Special Investigations Unit of the Ohio Attorney General's Office, BCI, acting under a request for assistance from the Canton Police Department. Your Affiant, having over 15 years of law enforcement experience has been employed by BCI since May 2021, and is assigned to the Special Investigations Unit for the Northeast Region of the State of Ohio.
- 3) Prior to working for BCI, Affiant was employed for 3 years as an Agent with the State of Ohio Board of Pharmacy (SOBP) where he was assigned to the Ohio Automated Rx Reporting System (OARRS) Investigative Unit. His duties included investigating prescribers involved in fraud and trafficking controlled substances and dangerous drugs by issuing illegitimate prescriptions. Prior to serving as an agent for the SOBP, your Affiant worked as a sworn law enforcement officer for approximately six years at the Miamisburg Ohio Police Department and prior to that for approximately 6 years at the Fostoria Ohio Police Department. Throughout his career your Affiant has served in various capacities to include patrol, investigations, evidence technician, and as a field training officer. Your Affiant's experience encompasses hundreds of overt and covert investigations including felony property crimes, death investigations, sexual assaults, street level and mid-level drug investigations, various investigations involving medical professionals, fraud, conspiracy investigations, investigations involving organized criminal enterprises and investigations of officer involved shootings. Furthermore, throughout his career, your Affiant has obtained and/or assisted in the execution of numerous search warrants which have resulted in the seizure of controlled substances, firearms, data, electronic images, videos, and various other types of evidence.
- 4) Your Affiant possesses an Associate of Science degree from Herzing University and a Bachelor of Science in Criminal Justice from Herzing University. Your Affiant completed the Ohio Peace Officer Training Academy (OPOTA) at the Cleveland Heights Police Academy in 2005 and has remained OPOTA certified since that time. Your Affiant has attended over 1000 hours of additional law enforcement and investigative related training and has completed a 40-hour certification course in conducting officer involved shooting investigations. Throughout his career your Affiant has successfully resolved numerous criminal investigations leading to the arrest, indictment, and conviction of persons involved in various crimes. During the course of these investigations and in conjunction with the training and experience obtained over the past 15 years, your Affiant has become familiar with the investigative methods necessary for the accurate resolution of criminal investigations, including homicide, weapons offenses, and felonious assault.
- 5) The facts in this affidavit come from your Affiant's personal observations, your Affiant's training and experience, and information obtained from other agents and witnesses. This affidavit is intended to show merely that there is sufficient probable cause for the requested warrant and does not set forth all of your

Affiant's knowledge about this matter.

- 6) Based on the facts set forth in this affidavit, there is probable cause to believe that violations of Ohio Revised Code (ORC) 2923.13 Having Weapons while Under Disability, ORC 2923.20 Unlawful Transaction in Weapons, and ORC 2923.15 Using Weapons While Intoxicated have been committed. In addition, these offenses led to an officer-involved shooting which resulted in the death of the subject.
- 7) BCI has been requested to conduct a homicide investigation – defined as: the killing of one human being by another. BCI has established protocols for independence and neutrality, with the ultimate goal to provide the relevant incident information to the assigned prosecutor and/or grand jury and/or judicial officials in order for them to make an informed determination regarding the legality of the actions of those involved. Relative to the homicide investigation, a determination that a violation(s) of the Ohio Revised Code, including but not limited to murder, voluntary manslaughter, reckless homicide and/or involuntary manslaughter, may result. It is also possible that the results of the investigation lead the appropriate authorities to determine the homicide was legally justified. As such, portions of the investigation – such as the issuance of search warrants – may presume that a crime has been committed in order to obtain necessary information for an appropriate authority to reach a determination. As unbiased collectors of fact, this presumption should not necessarily imply that BCI believes a crime has/has not been committed. Instead, BCI wishes to collect the facts and circumstances to assist in such a legal determination by the appropriate authorities.
- 8) Furthermore, there is also probable cause to search the ZOSI digital video recorder Model: ZR08MM SN: ASJ20070601991, currently stored in BCI evidence as case 2022-0001 Matrix Evidence Item #34, for evidence, instrumentalities, contraband, or fruits of these crimes as further described throughout this affidavit.

PROBABLE CAUSE

- 6) On Saturday, January 1, 2021, at 0101 hours, your Affiant learned the Canton Police Department (CPD) requested assistance from BCI with investigating an officer-involved shooting that occurred within their city. BCI agents from the SIU and from the Crime Scene Unit (CSU) responded to the location of the incident to assist.
- 7) BCI agents learned, officer(s) with the Canton Police Department (CPD) were in the area of the 2300 block of 10th Street SW, Canton, Ohio investigating the sounds of gunfire around 0000 hours. While there CPD Officer Robert Huber (Huber) determined some of the gunfire was coming from the residence of 2307 10th Street SW, Canton, Ohio. While present outside of that residence, Officer Huber witnessed gunfire and discharged his firearm striking a subject identified as James Williams (Williams) DOB: 01-13-1975, SSN: [REDACTED]. Williams suffered gunshot wounds to his chest and was transported to Aultman Hospital. Williams died as a result of his injuries.
- 8) According to a Computer Aided Dispatch (CAD) report provided by the Canton, Police Department, at approximately 0006 hours, Officer Huber arrived at 2307 10th Street SW, Canton, Ohio.

- 9) Body camera footage recorded from Officer Huber's body worn camera (BWC) was provided by the Canton Police Department. Your Affiant completed an initial review of the video footage and noted the following:

The date and time stamp on the video indicated the recording began on 01/01/2022 at 00:06:24 hours. The first 30 seconds of the video recording did not contain audio. When the video recording began, Officer Huber was on foot in front of 2307 10th Street SW, Canton Ohio. His police cruiser was parked in front of the residence in the middle of the street. A red dome style light was illuminating the interior driver compartment of the cruiser, but no emergency lights were activated. Officer Huber was walking back and forth along the public sidewalk and in the roadway in front of the residence.

Shortly after the audio began, Officer Huber was heard transmitting on his police radio "It's going to be, correction it's going to be 2300 block of 10th Street. 2307 10th Street South West. Saw the males head through the fence and after I heard the shots got out of my cruiser went up to the porch and I saw him putting the rifle away." Officer Huber was in front of the south east corner of the residence when he finished the radio transmission. As he finished the transmission, the rapid sound of gunfire was heard. Officer Huber moved toward the gunfire which appeared to be on the west side of the residence. As he turned north on the west side of the residence, a wood privacy fence was observed on the body worn camera, the sound of gunfire became louder and repeated muzzle flashes were seen over the top of the fence. Officer Huber raised and pointed his gun and fired multiple times toward the subject who was positioned behind the fence. When the gunfire ceased, Officer Huber transmitted by radio "Shots fired! Shots fired. He then yelled "Police! Get down now! Police! Get down now!" Officer Huber then retreated to his cruiser and radioed "CanCom Shots fired. Send us everybody."

Multiple other officers arrived at the scene and the occupants of the residence were ordered outside. Three juvenile females two adult males and one adult female exit the residence and are secured by CPD officers. The officers clear the inside of the residence and locate the subject in the living room on the floor. Officer Huber indicated the subject was shot in the chest.

- 10) A search warrant for the residence at 2307 10th Street SW, Canton, Ohio, was obtained and BCI CSU SA Daniel Boerner processed the crime scene at that residence. The scene had been secured by officers of the Canton Police Department prior to the arrival of BCI Agents.
- 11) The scene was photographed as it was found and evidence was collected. The scene was further documented using a FARO Focus S70 laser scanner.
- 12) The exterior of the residence was examined for items of suspected evidence and several items of suspected evidence were observed (Table 1, Items of Suspected Evidence, Exterior). The items of suspected evidence were photographed as they were found and collected (Items 1-9 and 37).

Item #	Description	Location
1	Cartridge case – Speer 9mm Luger +P	Sidewalk in front of residence
2	Cartridge case – Speer 9mm Luger +P	Tree lawn in front of residence
3	Cartridge case – Speer 9mm Luger +P	Tree lawn in front of residence
4	Cartridge case – Speer 9mm Luger +P	Tree lawn in front of residence
5	Cartridge case – Speer 9mm Luger +P	Sidewalk in front of residence
6	Cartridge case – Speer 9mm Luger +P	Front porch
7	Cartridge case – Speer 9mm Luger +P	Front porch
8	Smith and Wesson magazine w/cartridges	Front porch
9	Qty 10, 45 cal. cartridge cases	West side of residence (driveway)
37	Silver cell phone - Apple	Front porch

Table 1, Items of Suspected Evidence, Exterior

13) The interior of the residence was photographed as it was found. For purposes of this investigation, the living room, the kitchen, and stairs to a patio on the West side of the residence and the master bedroom were primary areas of interest. The interior of the residence was examined for items of suspected evidence and several items of suspected evidence were observed (Table 2, Items of Suspected Evidence, Interior). The items of suspected evidence were photographed as they were found and collected (Items 10-26 and 33-36).

Item #	Description	Location
10	White t-shirt with suspected bloodstains and suspected ballistic impact(s)	Living room, floor
11	Qty 4, Smith and Wesson magazines with cartridges	Living room, coffee table
12	Qty 7, Misc. ammo boxes	Living room, coffee table
13	Baggie of suspected marijuana	Living room, coffee table
14	Black holster	Living room, coffee table
15	Gray flip style Tracphone	Living room, coffee table
16	Smith and Wesson magazine, empty	Kitchen, table
17	Pmag 30 magazine with cartridges	Kitchen, table
18	Pro Mag, empty	Kitchen, table
19	Smith & Wesson – M&P 40, SN: NJM0654, empty	Kitchen, table
20	Pro Mag, empty	Kitchen, table
21	Smith & Wesson – M&P 9, SN: HMU4213, empty	Kitchen, table
22	Smith & Wesson – M&P 45, SN: DVY9139, empty	Kitchen, table
23	Qty 2, green shotshells	Stairs to patio
24	Shotgun – AR12S 12-gauge, SN: 20CH-05227, empty	Stairs to patio
25	Qty 13, cartridge cases – 40 S&W	Stairs to patio
26	Qty 1, .223 cartridge	Stairs to patio
33	Qty 1, Box of ammunition	Living room, end table
34	DVR – ZOSI model: ZR08MM SN: ASJ20070601991	Master bedroom
35	Qty 2, cartridges – 40 S&W	Master bedroom
36	Plastic baggie containing rifle cartridges	Master bedroom

Table 2, Suspected Items of Evidence, Interior

14) The fenced in patio on the West side of the residence was photographed as it was found. The patio was examined for items of suspected evidence and several items of suspected evidence were observed (Table

3, Items of Suspected Evidence, Patio). The items of suspected evidence were photographed as they were found and collected (Items 27-32 and 38)

Item #	Description	Location
27	Ruger AR-556, SN: 853-79714 w/loaded magazine and one cartridge in chamber	Patio, near door to residence
28	Shotgun – Mossberg 590, SN: V1151482, empty	Patio, near door to residence
29	Qty 55, cartridge cases – rifle	Patio
30	Qty 7, six shot shells and one unfired shot shell	Patio
31	Qty 33, cartridge cases – handgun	Patio
32	Black cell phone	Patio, South side on fence
38	Projectile	Patio, North side of fence

Table 3, Items of Suspected Evidence, Patio

15) The exterior of the residence was examined for suspected ballistic impacts (Table 4, Suspected Ballistic Impacts). The suspected ballistic impacts were photographed as they were found. The suspected ballistic impacts were located on the South side of the fence around the patio, the West side of the residence within the fence and the North side of the fence around the patio (Figures 13-14, BI 1.0 – BI 8).

BI #	Location	General Direction of Travel
1.0	Patio fence, South side	South to North
2.0	Patio fence, South side	South to North
3.0	Patio fence, South side	South to North
4.0	Patio fence, South side	South to North
5.0	Patio fence, South side	South to North
6.0	Patio fence, South side	South to North
7.0	Patio fence, South side	South to North
8.0	Patio fence, South side	South to North
9.0	Ext. door to patio	NA
10.0	Ext. door to patio	NA
11.0	Siding to examiner's left of door	NA
12.0	Siding to examiner's left of door	NA
13.0	Patio fence, North side	South to North
14.0	Patio fence, North side	South to North
15.0	Patio fence, West side	NA

Table 4, Suspected Ballistic Impacts

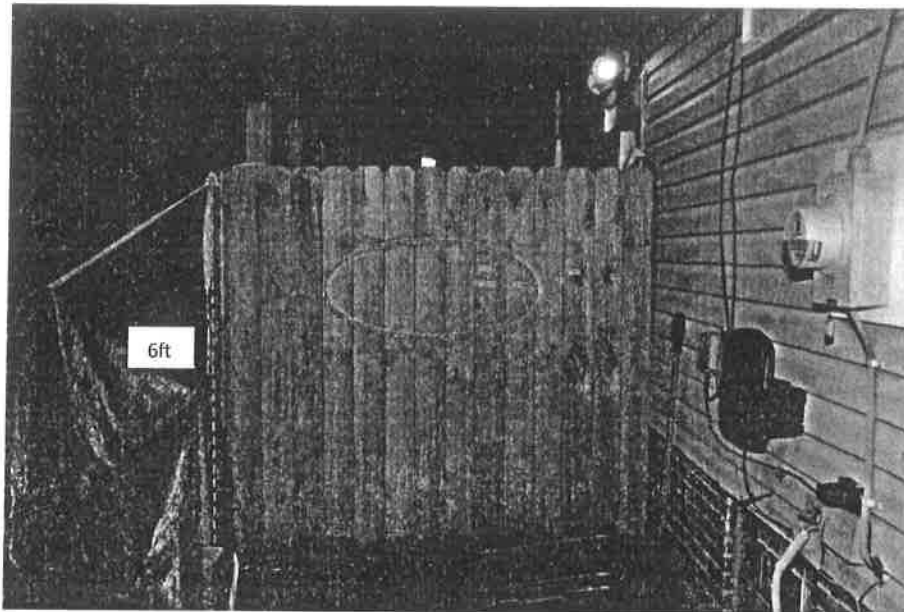


Figure 13, BI 1.0 – BI 8.0

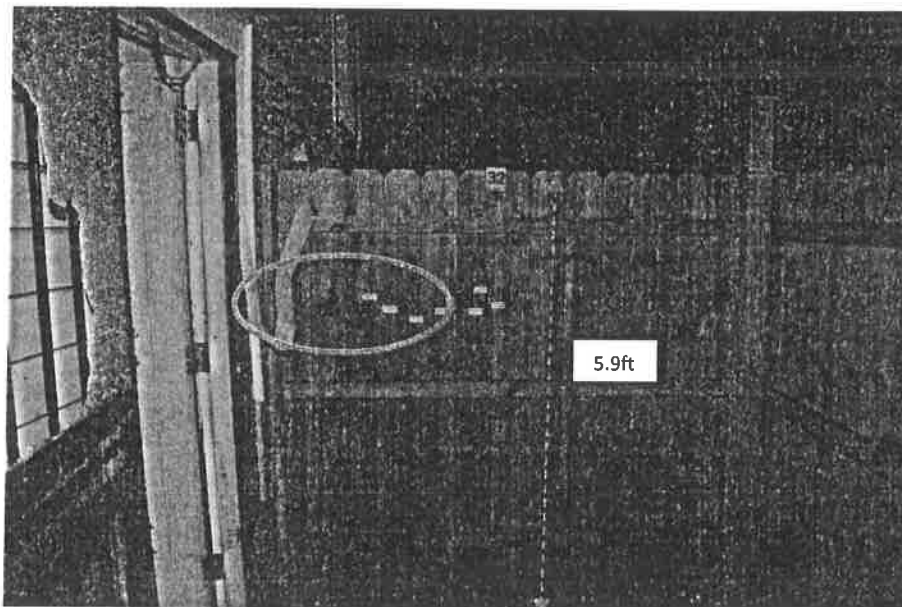


Figure 14, BI 1.1 – BI 8.1

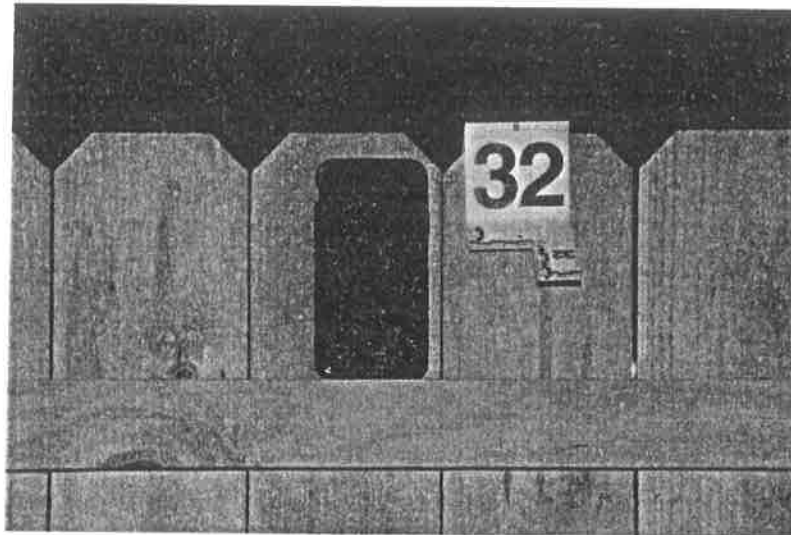
- 16) While at the scene, BCI Agents observed and encountered a gathering of protesters outside the marked crime scene. Based on insignia on their vehicles, some of the protesters appeared to identify as themselves with the Black Lives Matter organization.
- 17) While at the scene, your Affiant observed multiple cameras mounted on the exterior walls of the residence. Two cameras were mounted near the roof of the front porch on the south west side of the residence. They were positioned to capture footage along the west side of the residence, which is where both Williams and Officer Huber were observed firing their weapons.
- 18) Inside the residence SA Boerner located Evidence Item #34. It was a Digital Video Recorder (DVR) – ZOSI model: ZR08MM SN: ASJ20070601991. It appeared to be operational and had a light indicating it

had power. The DVR was collected as evidence and is currently stored in evidence as Case 2022-0001 Matrix Evidence Item #34 at BCI – Richfield, located at 4055 Highlander Parkway, Richfield, Summit County, Ohio. The photograph below depicts the DVR system identified as Evidence Item #34.



DPB 8210

- 19) On January 5, 2021, Your Affiant and SA Moran retrieved the ZOSI DVR from evidence and confirmed the DVR contained a hard drive. SA Moran learned the DVR was equipped with a 500 MB, Hitachi hard drive, Model: HDS721050CLA662, serial number: JP1570HR2SAP3K.
- 20) Evidence Item #32 was listed as a black cell phone. It was located outside the residence but inside the fenced in patio on the west side of the residence. It was propped up on the wood fence facing the area where Williams was observed firing his weapon. It appeared as though it was positioned in a manner to record a video. The cell phone was collected as evidence and is currently stored in evidence as Case 2022-0001 Matrix Evidence Item #32 at BCI – Richfield, located at 4055 Highlander Parkway, Richfield, Summit County, Ohio. It was placed in airplane mode and plugged into a charging station to prevent the loss of data. The photograph below depicts the cell phone and the how it was positioned when located.



DPB_8188

- 21) Upon further examination it was determined Evidence Item #32 was a grey Apple iPhone with a black cell phone case on it.
- 22) Your Affiant noted firearm related evidence was located throughout the residence and around the exterior portions of the residence. There were ten fired .45 caliber cartridge casings located in the driveway area outside the fenced in patio. Within the patio, there were an additional 33 fired cartridge casing from multiple handgun calibers, seven shotgun shells; six fired and one unfired, and 55 fired rifle cartridge casings. Inside the residence in the stairs leading to the patio there were 13 fired .40 caliber cartridge casings, and two fired shotgun shells. There were also magazines and ammunition located throughout the residence along with a total of six firearms which included 4 handguns, two shotguns and a rifle. Furthermore, a Smith and Wesson Magazine containing cartridges was located on the front porch of the residence.
- 23) SA Boerner also located seven cartridge casings which are believed to have been fired by Officer Huber; two on the front porch and five on the sidewalk area in front of the residence. The fired cartridge casings were Speer 9mm Luger +P which was the same type of ammunition collected from Officer Huber with his firearm.
- 24) Officer Huber's Firearm was collected by Canton Police Sgt. James Daniels and turned over to your affiant. It was a Glock, Model 17, 9mm handgun, serial number: [REDACTED]. Sgt. Daniels also turned over 3 magazines and 44 rounds of ammunition. Sgt. Daniels indicated the firearm was loaded with one magazine which contained ammunition. Two additional magazines also containing ammunition were collected from Officer Huber's person.
- 25) Sgt. Daniels informed your Affiant that Canton Police Officers are issued 52 rounds of ammunition. The magazine capacity for the issued Glock handgun is 17 rounds. Each magazine (three total) is typically loaded to the full capacity with one additional round in the firearm chamber.

- 26) The ammunition count indicated Officer Huber had 44 unfired cartridges remaining after the incident. If Officer Huber had his duty issued firearm and each magazine loaded to capacity when this incident occurred, a total of eight cartridges were unaccounted for, thus indicating he fired up to eight times.
- 27) Officer Huber had been relieved from duty and sent home after his firearm was collected. BCI Agents were unable to speak with him or photograph his uniform prior to his departure from the police department.
- 28) BCI SA Charles Moran (Moran) responded to the Aultman Hospital. James Williams had been transported to Aultman Hospital by ambulance. SA Moran learned Williams had died as a result of his injuries. SA Moran collected Williams' personal property and it was placed into evidence. The items collected included a brown pair of shoes, blue and yellow sweatpants, a pair of underwear, a brown wallet containing misc. cards, including an Ohio Driver's license for James Williams and \$397.00 US currency.
- 29) The other occupants of the residence were identified as Marquetta Williams DOB: 12-29-1988, the wife of James Williams, her three children Jae William (12 YOA), Paige Williams (11 YOA) and Ja'Lai Williams (9 YOA), Jermal Monday DOB: 07/10/1979, and Janairul Williams DOB: 08/17/1988, the nephew of James Williams.
- 30) Your Affiant and SA Moran interviewed Marquetta Williams (Marquetta), Jermal Monday (Monday) and Janairul Williams (Janairul).
- 31) Jermal Monday reported he lived at 2307 10th Street SW, Canton, Ohio with Marquetta Williams, James Williams and Marquetta's three daughters. He had resided there for the past six months. Marquetta and James were husband and wife. Monday remembered they were just sitting there drinking a little bit and celebrating the new year and everyone was on the couch on their phones. When the incident happened, he was half asleep on the couch. He did not know who was shooting the guns. James and Marquetta came around the corner and James was holding his chest. He had a little bit of blood on his shirt and said he got shot. Monday said James had guns inside the house. He was not shooting the guns inside the house but there were lots of people in the area shooting guns outside. Monday said none of the guns in the residence belonged to him. He believed the guns belonged to James and Marquetta.
- 32) Janairul Williams reported he was at 2307 10th Street SW, Canton, Ohio. James had picked him up at approximately 6:30 pm. They went to the liquor store before going back to James' house. They had been drinking a little liquor but no one was drunk. Around midnight, Janairul was inside hanging out. James had gone outside and was shooting guns. Marquetta then came in and said James got shot. Five minutes later, James came stumbling in and fell on the floor. James had blood all over his shirt. The next thing he knew the cops were outside. Janairul explained James had fired guns on news years in the past. He believed James and Marquetta owned the guns together. He described the guns as shotguns and pistols. Janairul said James had went outside and fired the guns more than once that night but he did not remember how many times. He believed James was shooting a couple different guns into the air like everyone else does.

33) Marquetta Williams reported she lived at 2307 10th Street SW, Canton, Ohio, with James Williams and her three daughters. They had lived there since September of 2020. When the incident occurred, she was inside the home with her daughters, Jermal Monday and Janairul Williams. They were celebrating new years. The adults were drinking and smoking weed but no one was drunk. At midnight James had gone outside to shoot some guns like everyone else does and then came back in. He then went back outside to shoot some more while she went upstairs to the bathroom. When she was coming back downstairs, James was coming through the kitchen and dining room saying he got shot. Then he collapsed on the floor. She called 911 and then her daughter said they were outside. She thought her daughter meant the ambulance was outside and when she opened the door she saw the police outside everywhere.

34) Marquetta explained James usually goes outside and shoots guns to celebrate the new year. He was right handed and shot the guns with his right hand. She said she owned the six guns James was shooting. She identified them as a 9mm, .40 caliber, .45 caliber, two shotguns and an AR-15. She keeps all the guns loaded and they were all on the kitchen table. The first time James went outside to shoot she was in the kitchen and could see him through the back door. He was standing outside of the side door but inside of the privacy fence firing the .40 caliber and .45 caliber handguns into the air. When he went back outside to shoot while she was in the bathroom, she could hear James shooting but did not know which gun he was shooting. She described the pace of the gun fire as back to back to back to back and said it was more rapid like shooting from an AR. She believed her AR was fully automatic.

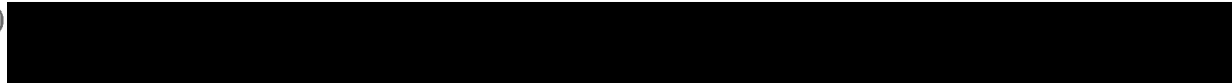
35) Marquetta said James had a cell phone. His cell phone number was 330-974-2504. She described it as an iPhone XR or iPhone 12 with a black case. She did not know where it was. She said James did not have a passcode on his cell phone. The only social media account James had was Facebook. As far as she knew, James was able to legally possess firearms. James never carried guns. She carries guns and has a CCW permit. She said James was shooting the guns only as a celebration on new years.

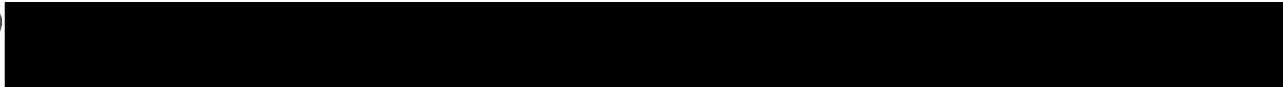
36) Marquetta said her brother installed the surveillance cameras on her home. She did not know anything about the surveillance camera system. James was able to see the camera footage from his cell phone but she was not able to see it on her phone. She believed the camera system was capable of recording audio but it was only set up to record video.

37) According to a Computerized Criminal History (CCH) Williams [REDACTED]

38) [REDACTED]



39) 

40) 

41) Canton City Ordinance 549.03 Discharging Firearms prohibits the discharge of a firearm within the city limits except when done in self-defense, in the discharge of official duty, or in justifiable homicide. Violation of the ordinance are classified as a misdemeanor of the fourth degree.

CONCLUSION

42) Officer-involved shooting investigations are considered high profile investigations. They garner a high level of public interest and have an increased potential to receive national attention from the media. Furthermore, the presence of protesters at the scene indicates there is already an elevated level of public interest in this specific incident. None of the officers involved in this incident have been interviewed and it is possible other witnesses, not yet identified, may need to be interviewed at a later date. If information contained within this search warrant and affidavit were to become available to the public, it has the potential to influence the statements of witnesses or otherwise influence the investigation. Therefore, to protect the integrity of the investigation and ensure, to the extent possible, that outside influences do not hinder or impede the investigation, it is requested this search warrant be sealed.

43) The surveillance cameras at 2307 10th Street SW, Canton, Ohio, were mounted near the porch roofline and near the ceiling of the front porch of the residence. Based on the location of the camera's, it is likely they all captured video footage relevant to the officer-involved shooting incident. Two of the surveillance cameras were positioned to capture footage on the West side of the residence. This was the area where both Williams and Officer Huber fired their weapons. It is believed these two cameras may have captured video footage of the actual shooting incident.

44) Based on your Affiants knowledge and experience related to the storage of video related files, the size of the files can vary significantly. This is in part due to the capability of the recording devices capturing video footage as well as internal and user settings of the recording and storage devices. It is believed the 500 GB DVR hard drive may contain approximately two weeks of video footage; however, without knowing the device settings, the amount of video footage actually stored on the hard drive may be greater.

45) Based on the amount of firearm related evidence located throughout the residence and outside the residence, it is unlikely the possession and use of the firearms was an isolated incident. None of the witnesses interviewed indicated Williams was ever on the front porch with the firearms; however, a magazine containing ammunition was located on the front porch of the residence. For this reason, it is

believed the DVR will contain relevant video footage that was recorded in the hours, days or weeks prior to the officer-involved shooting. It is requested that the search warrant permit law enforcement to recover and review the evidence outlined within this affidavit, specifically video files, that were recorded or created from December 19, 2021, through January 1, 2022.

46) Based upon Affiant's training and experience, Affiant believes the ZOSI DVR may contain evidence related to the firearms Williams was shooting prior to and during this incident. [REDACTED]

[REDACTED] The Zosi DVR may contain evidence that would show Marquette Williams, or others provided Williams with the firearms, and thus participated in an unlawful transaction of firearms.

47) Based on your Affiant's training and experience, persons known to be involved in criminal activity often participate in criminal conduct with others in the hours, days, weeks and months leading up to their criminal activity. Video footage captured and stored on the ZOSI DVR can provide insight to the individual's state of mind and any planning or preparation they engaged in prior to, during, and leading up to the incident.

48) Based on your Affiant's experience and training, you affiant believes there is probable cause to search the ZOSI DVR for the following information:

- audio and video data information, images, photographs, videos, and any and all electronic communications and data transferred, created or otherwise stored and any related evidence stored from December 19, 2021, through January 1, 2022.
- electronic data processing and storage devices, recording devices, computer and computer systems including central processing units, internal and peripheral storage devices such as fixed disks, external hard disks, optical storage devices or other memory storage devices, backup media, system documentation, software and instruction manuals, external or internal drives and external storage equipment or media, acoustic couplers, automatic dialers, speed dialers, or signaling devices, electronic tone generating devices, any and all computer or data processing software, or data including but not limited to hard disks, magnetic tapes, integral RAM or ROM units, and any other permanent or transient storage devices, any and all active files or images and any closed or deactivated files or images within in the described property, including discarded deleted or erased files or images, as may be contained within the ZOSI DVR.
- Any and all data contained on the ZOSI DVR which includes previously erased data that may be located such as, but not necessarily limited to, Personal Data Assistant, secure media cards, smart cards, SIM cards, micro SD cards, digital camera media such as compact flash cards, in any format and, whether the data is stored in files, tables, other data structures, or unallocated space.

49) Based on your Affiant's training and experience, in some instances, it may be necessary to complete further examination of the device described above. Such examination may need to be completed by a qualified computer expert. Your Affiant respectfully requests permission be granted for other qualified

computer experts to perform further examination if necessary, provided such experts operate under the direction, supervision, and control of the Ohio Attorney General's Office, Bureau of Criminal Investigation.


- 50) Based on your Affiant's training and experience, in some instances, it may be necessary to transport, mail, or otherwise remove the property or any part thereof to other locations as it becomes necessary to fully conduct the search of these items. It is requested authorization be granted to permit the Ohio Attorney General's Office, Bureau of Criminal Investigation and/or their representatives to transport the device to the locations deemed necessary to complete the search of this item.
- 51) It is requested that authorization be granted to permit the Ohio Attorney General's Office, Bureau of Criminal Investigation to seize, listen to, read, review, and copy and maintain the data, files and other information recovered from the device and to convert it to human-readable or viewable form as necessary.
- 52) It is requested that authorization be granted to permit the Ohio Attorney General's Office, Bureau of Criminal Investigation or their designee the ability to seize the requested data, files, and video footage materials and conduct further examination by a qualified computer expert, provided such expert operates under the direction, supervision, and control of said law enforcement agency.

Request for Modification of Three-Day Execution Timeline

- 53) Based on your Affiants training and experience, the requested search of the electronic media which is to be performed by the Ohio Bureau of Criminal Investigation is expected to require more than three days due to logistical and technical concerns. Hence the "extension" of the requested warrant may require several weeks or more from the beginning to the end. If the term "execution" were deemed to occur at the completion of the analysis, then it would be pragmatically impossible for law enforcement to comply with the three-day deadline and still properly conduct the search. Therefore, pursuant to Criminal Rule 45 (time computations), the Affiant respectfully requests this court to waive said search and or seizure to be initiated within three days (Criminal Rule 45).

Your Affiant avers to that on the above, he has probable cause to believe, that evidence related to this criminal investigation will be found within the black, ZOSI DVR that is stored in BCI Evidence as case 2022-0001 Matrix Evidence Item #34, at 4055 Highlander Parkway, Richfield, Summit County, Ohio 44286.

FURTHER AFFIANT SAYETH NAUGHT.


Affiant, Special Agent Matthew Armstrong #146
Ohio Bureau of Criminal Investigation

Sworn to before me and subscribed in my presence this 7th day of January, 20 22.


Judge, Court of Common Pleas, SUMMIT County, Ohio

I certify this to be a true copy of the original
Sandra Kurt, Clerk of Courts.


Deputy Clerk

SANDRA KURT

IN THE COURT OF COMMON PLEAS
SUMMIT COUNTY, OHIO

2022 MAR -9 AM 10: 26

IN THE MATTER OF:

SUMMIT COUNTY
CLERK OF COURTS

SEARCH WARRANT FOR

)
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)
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)

SEARCH WARRANT


RETURN

CM 2022030057


- **Black ZOSI Digital Video Recorder, Model: ZR08MM SN: ASJ20070601991 currently stored in BCI evidence as case 2022-0001 Matrix Evidence Item #34**


TO: Judge NEWY McLAUGHLIN of the Summit County Common Pleas Court of Ohio.

On January 7, 2022, Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) Matthew Armstrong received this Search Warrant and on January 7, 2022, BCI SA Armstrong served the aforementioned search warrant by submitting the DVR and a copy of the search warrant to the BCI Cyber Crimes Unit (CCU) for analysis. In the course of the search, agents received the following items of evidence listed on the attached inventory sheet(s).


 Matthew Armstrong, Special Agent
 Ohio Attorney General's Office
 Bureau of Criminal Investigation
 4055 Highlander Parkway,
 Richfield, Ohio 44286

Given my hand this 9th day of March, 2022.


 Judge, Court of Common Pleas, SUMMIT County, Ohio

I certify this to be a true copy of the original
 Sandra Kurt, Clerk of Courts.

 Deputy Clerk



CM2022030057

CASE# 2022-0001

Inventory/Receipt Attachment

I received the below listed property from (person/location): BCI Cyber Crimes Unit

Item	Description	Location Found	Found by Whom
1	External hard drive containing data and video files extracted from a black Zosi digital video recorder - Matrix Evidence Item #34	BCI - Richfield	MDA
MDA			
SANDRA KURT 2022 MAR -9 AM 10:27 SHARON COUNTY CLERK OF COURTS			

Signed Mandy #146
Inventory Agent

Date 2-23-2022

Items	Released By	Received By	Date/Time
 			

IN THE COMMON PLEAS COURT
SUMMIT COUNTY, STATE OF OHIO

SANDRA KURT

IN THE MATTER OF:

CM 2022030057

SEARCH WARRANT FOR

2022 MAR -9 AM 10:26

APPLICATION TO SEAL
SEARCH WARRANT, AFFIDAVIT,
RETURN AND INVENTORY

SUMMIT COUNTY
CLERK OF COURTS

- Black ZOSI Digital Video Recorder, Model: ZR08MM SN: ASJ20070601991 currently stored in BCI evidence as case 2022-0001 Matrix Evidence Item #34


WRITTEN APPLICATION TO SEAL THE SEARCH WARRANT, AFFIDAVIT, INVENTORY, AND THIS APPLICATION.

This matter is before the court upon the written application of the investigating law enforcement agency to seal the search warrant, affidavit for search warrant, any inventory and this motion in the above captioned matter.

In support of the foregoing, the investigating law enforcement agency states that the search warrant herein was applied for on January 7th, 20 22, and the matter is an ongoing criminal investigation. At this time, no arrests have been made and other arrests may or may not be made; however, investigatory techniques relating to the matter outlined in the affidavit would be exposed, and could alert potential suspects or potential witnesses to the nature and extent of the investigating law enforcement agency's efforts. Additionally, persons who would seek to interject themselves into this matter could also learn details of the investigating law enforcement agency's efforts, which could also make detecting false or incorrect information more difficult. This Court has the power to seal a warrant while the matter is under investigation.

WHEREFORE, the investigating law enforcement agency requests an order sealing the search warrant, affidavit for search warrant, any inventory and this motion.

Respectfully submitted,


Special Agent Matthew Armstrong #146
Ohio Bureau of Criminal Investigation

In the Summit County Common Pleas Court
Summit County, State of Ohio

SANDRA KURT

IN THE MATTER OF: 2022 MAR -9 AM 10:26

CM 2022030057

SEARCH WARRANT FOR
SUMMIT COUNTY
CLERK OF COURTS

ORDER TO SEAL
SEARCH WARRANT, AFFIDAVIT,
RETURN AND INVENTORY

- Black ZOSI Digital Video Recorder, Model: ZR08MM SN: ASJ20070601991 currently stored in BCI evidence as case 2022-0001 Matrix Evidence Item #34

ORDER TO SEAL THE SEARCH WARRANT, AFFIDAVIT, INVENTORY, AND THIS MOTION.

Now comes the Court upon the application of the investigating law enforcement agency, for an Order sealing the search warrant, affidavit for search warrant, any inventory and the motion in the above captioned matter. This Court has the power to seal a warrant while the matter is under investigation.

WHEREFORE, the Court orders the sealing the search warrant, affidavit for search warrant, any inventory and the motion.

IT IS SO ORDERED on this 9th, day of March, 2022.

[Signature]
JUDGE, Court of Common Pleas, Summit County, Ohio

I certify this to be a true copy of the original
Sandra Kurt, Clerk of Courts.

[Signature] Deputy Clerk