



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



2023-1626
Officer Involved Critical Incident – 439 E Mulberry Street,
Lebanon, Ohio 45036 (L)

Investigative Activity: Interview with Officer
Involves: Officer Brandon Magee (W)
Date of Activity: 06/20/2023
Activity Location: Lebanon Police Department – Business – 25 West Silver Street,
Lebanon, OH 45036
Author: SA David Hornyak, #112

Narrative:

On June 20, 2023 at approximately 1346 hours, Ohio Bureau of Criminal Investigation (BCI) Special Agents Dave Hornyak and Ken Smith interviewed Lebanon Police Officer Brandon Magee in regard to an Officer-Involved Critical Incident that occurred the evening of June 17, 2023. Also present was Officer Magee's attorney, Steve Lazarus. The interview was recorded on a handheld digital recording device. This report is a summary only. The entire interview can be reviewed on the recording.

Officer Magee verbally acknowledged that he was attending the interview voluntarily. The officer then read from a prepared written statement, which is attached in-full to this report. Some of the information the officer provided was as follows:

On June 17, 2023, at approximately 2333 hours, the Lebanon Police Department (LPD) received a call stating that Dione Kellum was outside of a home making threats to shoot the residents if they did not come outside. Before arrival at the location, Ofc. Magee was made aware from officers on-scene that Kellum had a gun to his own head. At the scene, Ofc. Magee joined with other officers in holding Kellum at gunpoint and ordering him to put down his weapon. Kellum also produced a shotgun that had been wrapped in a blanket.

Refusing to comply with commands, Kellum moved to the back of the home still carrying both weapons. At one point, Kellum fired a single pistol shot into the ground and shortly after began to raise his shotgun toward Ofc. Magee and a Warren County deputy. Kellum fired one one shotgun round into the ground. Ofc. Magee then heard multiple additional gunshots and observed Kellum fall to the ground. Officers approached and cleared Kellum's weapons before EMS responders took over medical care.

After reading his prepared statement, Ofc. Magee specified that he did not fire upon Kellum

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due to not having a clear shot. During the incident, Off. Magee knew that Warren County Deputy [REDACTED] had fired upon Kellum. He later learned that Lebanon Police Sgt. [REDACTED] had also fired.

Ofc. Magee did not see or hear of any officers or deputies doing anything improper or illegal during the incident.

The interview terminated at approximately 1354 hours.

Attachments:

Attachment # 01: 2023-06-20 / Off. Brandon Magee interview

Attachment # 02: Officer Brandon Magee statement

Exhibit 1

Included as a separate file.

Exhibit 2

On Saturday, June 17, 2023 at approximately 2333 hours Ptl. Stallard and I were dispatched to 439 E. Mulberry Street for a subject with a weapon. The caller Shayla Simmons advised that Dione Kellum was outside of her residence and threatening to shoot if they did not come out of the residence.

Upon my arrival Sergeant [REDACTED], Ptl. Stallard, and a Warren County Deputy were already on scene. While exiting my patrol vehicle Sergeant [REDACTED] advised that Dione had a gun to his head. I located Dione on the right side of 439 E. Mulberry Street with a black handgun. I drew my department issued sidearm gave Dione verbal commands to drop the firearm. Additionally, Sergeant [REDACTED] was giving Dione verbal commands to put the gun down. Dione was refusing to follow commands. Dione then picked up an unknown item wrapped in a blanket. A short time later Dione unwrapped the item and I observed it to be a shotgun. Dione had the barrel of the rifle facing into the ground.

Upon uncovering the rifle Dione moved behind a bush. I repositioned to the pouch of 437 E. Mulberry Street. Dione continued refusing to follow verbal commands to put the weapons down. Dione started walking to the back yard of 439 E. Mulberry. I repositioned again the rear of 437 E. Mulberry Street. Dione continued to Chillicothe Ave. standing directly behind 439 E. Mulberry Street. I again repositioned to the side of the detached garage of 437 E. Mulberry Street with a Warren County Deputy.

Dione continued to refuse to follow verbal commands to set the firearms down. Dione then stated that he was going to show us that he was serious and fired a single round from the handgun into the ground. Dione then started to raise the shotgun toward myself, and the Warren County Deputy then lowered it again. Dione was given verbal commands to keep the rifle facing the ground. Dione refused and started to raise the shotgun toward myself and the Warren County Deputy again this time firing the shotgun into the ground. I then observed additional gun shots and Dione fall to the ground. I then observed another gun shot. While holding lethal coverage I along with additional Officers and Warren County Deputies then approached Dione who still had the handgun in his hand. A Warren County Deputy then removed and cleared the shotgun and handgun. A Warren County Deputy then provided first aid to Dione while Lebanon EMS responded. Lebanon EMS arrived on scene and took over providing care for Dione. I then confirmed that Dione had no additional weapons on his person.

These events occurred in the City Of Lebanon, Warren County, Ohio.

Respectfully submitted,



Ptl. Brandon Magee #135