



**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: Agents Response Report

Activity Date: 11-17-2023

Activity Location: 6235 Hathaway Road, Garfield Heights, Ohio 44125

Authoring Agent: Special Agent Joseph Goudy #83

**Narrative:**

On November 14, 2023 at approximately 1332 hours, Special Agent (SA) Joseph Goudy (Goudy) received notification from the "Who's Responding App," to respond to the area of 6235 Hathaway Road, Garfield Heights, Ohio 44125, for an officer-involved shooting. The initial point of contact was Garfield Heights Police Detective (Det.) Rick Fogle (Fogle). Det. Fogle advised that the male subject, later identified as Benard Russell (Russell), was already transported to the Marymount Hospital Emergency Department for life-saving measures. It was later learned that Russell succumbed to his injuries a short time after arriving at the hospital.

It was reported that at 1225 hrs, the Garfield Heights Police Dispatch Center received a call from Russell asking for the number to the suicide hotline. Shortly thereafter, Russell hung up the phone. Garfield Heights Police (GHPD) officers were dispatched immediately and arrived on scene at 1232 hours. When officers arrived, they met with Russells wife, Wilma Jean Russell (Wilma) at the front door. After Wilma let GHPD officers into the residence, she indicated that she and Russell have been having marital issues along with a disagreement over the disbursement of an inheritance Wilma received from her mother's estate over the past week. Wilma stated Russell was in the basement. When officers attempted to go into the basement, the basement door was locked. Wilma then gave the officers a key to access the basement from a rear exterior door.

When officers entered the rear exterior door to the basement, they encountered Russell sitting in a chair holding a handgun to his head. During this time, officers attempted to negotiate with Russell to put the gun down and to comply with their orders. Russell refused to comply and insisted that officers leave him alone. As officers continued to negotiate, Russell began to lower his gun down from his head, and pointed it in the officers direction. It was at this point when officers fired their duty weapons, striking Russell. After the gunshots were fired, officers moved in to secure Russell and began to render emergency medical aid to him.

While speaking with GHPD Det. Fogle, SA Goudy learned that GHPD was already in the process of getting a search warrant signed to enter the residence. After the search

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warrant was signed, SA Goudy and SA Momchilov met with BCI Crime Scene Unit (CSU) SA Ed Staley and CSU Technician (Tech) Mike Rostocil (Rostocil). SA Goudy and SA Momchilov stood by until SA Staley and Tech Rostocil completed the scene processing. Upon completion of the scene processing, Tech Rostocil turned over the evidence collected at the crime scene to SA Goudy.

Upon clearing the scene, SA Goudy travelled to the Ohio BCI Richfield Office and placed the items collected by the BCI Crime Scene Unit into temporary evidence.

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