



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



2023-1809

Officer Involved Critical Incident – 3110 E. Livingston Avenue,
Columbus, Ohio 43227 (L)

Investigative Activity: Interview with Witness
Involves: Officer Nicholas Cook (W)
Date of Activity: 08/31/2023
Activity Location: Harshman, Wannemacher, Tipton & Lipperman – 4683 Winterset Drive, Columbus, OH 43220, Franklin County
Author: SA Ryan D. Scheiderer, #89

Narrative:

On August 31, 2023 at approximately 1604 hours, Ohio Bureau of Criminal Identification and Investigation (BCI) Special Agent Ryan Scheiderer (SA Scheiderer) obtained a recorded statement from Columbus Division of Police (CPD) Officer Nicholas Cook (Officer Cook) regarding the shooting incident involving officers from CPD, deputies from the Franklin County Sheriff's Office (FCSO), and Antwan Lindsey (Lindsey) that occurred on July 08, 2023 at 3110 E. Livingston Avenue, Columbus, Ohio (Franklin County). Lindsey was fatally shot by officers during that incident. The contact with Officer Cook took place at his attorney's office and his attorney, Kate Harshman, was present. Officer Cook signed a Criminal Investigation Notification (CIN) form affirming his decision to provide a voluntary statement. The following is a summation of the contact with Officer Cook and additional details can be found in the attached audio recording. *(It should be noted that during the interview, Lindsey was referred to as "suspect" by the officer and that verbiage may be used throughout the summary when trying to quote the officer or document what an officer stated they heard or thought regarding the incident.)*

Officer Cook, Badge #3250, has been with CPD for approximately three (3) years and his assignment on July 8th was 9B16. On that date, Officer Cook was in Cruiser 92 and was a single-man unit. During his shift, Officer Cook heard a "10-3" (officer in trouble) air over the radio stating an officer was taking gunfire at 3110 E. Livingston Avenue. Officer Cook clarified that the radio traffic he heard was a deputy from FCSO was taking fire from a "male/Black". Officer Cook heard additional information stating the deputy was "down", but then there was clarifying information stating the "suspect" was down. Officer Cook was never given exact locations of the involved-deputy or Lindsey at the incident location.

Officer Cook arrived on scene and parked on the southeast side of the apartment building. Officer Cook observed an unidentified African-American male standing at the front door of the

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Approved By SA James A. Mulford on
10/06/2023

apartment building. When Officer Cook exited his cruiser, he and other officers approached the front entrance, but then he went back to his cruiser to obtain his patrol rifle. Once Officer Cook retrieved his patrol rifle, he went towards the north end of the building. During that time, Officer Cook heard a single gunshot which he believed came from the west side of the building, but believed it was related to the incident. Officer Cook aird he heard a gunshot and then entered the door on the north side of the building. Officer Cook and [REDACTED] [REDACTED] went to the second floor of the building to clear it for suspects. Once officers reached the stairway at the south end of the building, Officer Cook started towards the third floor to clear it, but heard officers in the stairwell below him yell "Show me your hands" or something to that effect. Officer Cook believed those officers had encountered the suspect, so he went to assist them. Officer Cook observed Lindsey standing in a doorway with a black pistol on the floor near his feet. Due to Lindsey being positioned in the doorway so that only half of his body (left-side) was visible to officers, Officer Cook was able to view Lindsey's left hand, but not his right. Officer Cook and [REDACTED] [REDACTED] issued commands to Lindsey to put his hands up, but Lindsey never complied. Officer Cook heard Lindsey state "Fuck you" and "Fuck you nigga, I'm not doing shit" to the officers on the south end of the building.

[REDACTED] [REDACTED] advised Officer Cook that he was going to deploy his Taser on Lindsey. [REDACTED] [REDACTED] positioned himself, announced "Taser" approximately three (3) times, Officer Cook also announced "Taser", and then [REDACTED] [REDACTED] deployed his Taser towards Lindsey. Officer Cook believed both Taser barbs made contact with Lindsey. At that moment, Lindsey "fell" into the doorway, away from the officers on the south end causing Officer Cook to lose visual of Lindsey. That was followed by "a lot" of gunfire. Officer Cook was aware there were officers on the other end (north) of the building that had also made contact with Lindsey, but he was still not aware of the involved-deputy's location. Officer Cook wasn't aware who had discharged a firearm when he heard the gunfire, but he knew none of the officers on his side of the doorway had fired a firearm. Officer Cook and his fellow officers backed away, and then aird the shots fired. A CPD officer appeared from behind the door that Lindsey disappeared behind, and Officer Cook requested an ambulance. Officer Cook and another officer then cleared the Third floor for any additional threats. That was the end of Officer Cook's involvement in the incident.

Officer Cook did not observe Lindsey surrender and did not observe any actions or behaviors from Lindsey consistent with him surrendering. Officer Cook believed that had Lindsey surrendered peacefully, he could have been taken into custody without further incident. Officer Cook had personal experience where subjects were initially non-compliant, but then surrendered and were taken into custody without further incident. Officer Cook denied observing anyone discharge a firearm during the incident and only heard gunfire. After prompting from his attorney, Officer Cook explained that officers at CPD are trained that if a suspect has a weapon, they are to assume the suspect has a second weapon. Officer Cook stated by deploying the Taser, officers attempted to take Lindsey into custody without using deadly force. Officer Cook didn't have any additional information.

Attachments:

Attachment # 01: Officer Nicholas Cook Audio Interview 8.31.2023

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Attachment # 02: Officer Nicholas Cook CIN 8.31.2023

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Criminal Investigation Notification

1. This investigation is being conducted in order to determine whether any criminal laws have been violated on the part of those involved in this incident. Specifically, to collect facts and information to be provided to the prosecutor and/or grand jury in order for them to determine whether the conduct involved is authorized or prohibited by criminal statutes.
2. Your participation in this interview is voluntary and you may decline to answer or cease the interview at any time. You are entitled to have an attorney present if you wish.
3. The criminal investigation is separate from any internal, administrative investigation which your employer may or may not be independently conducting. You are not being compelled to give any statement or answer any questions. This is not a "Garrity" interview (where you could be required to answer).

Nicholas L Cook
Printed Name of Interviewee

8-31-23 4:05PM
Date / Time

[Signature]
Signature of Interviewee

Ryan Schneider
BCI Agent (Printed)

[Signature]
BCI Agent (Signature)