



**Ohio Attorney General's Office
Bureau of Criminal Investigation
Prosecutor Summary**



Officer-Involved Critical Incident - Officer Involved Critical Incident - 294 Ira Avenue, Akron, OH 44301, Summit County

To: Micah Ault, Ohio Attorney General's Office – Special Prosecutions
Cc: SAS Charles Moran, Special Agent Supervisor, Ohio BCI
From: SA Jonathan Lieber, Special Agent, Ohio BCI
Date: May 19, 2025
Involves: Marcus L. Smith, [REDACTED]
[REDACTED]
Case Title: Officer Involved Critical Incident - 294 Ira Avenue, Akron, OH 44301, Summit County
BCI Case Numbers: Special Investigations (SIU): 2025-0512
Crime Scene (CSU): 2025-0512
BCI Laboratory: 25-31337

Investigative Request

On Monday, February 17, 2025, Lieutenant Whiddon of the Akron Police Department (APD) requested the assistance of the Ohio Bureau of Criminal Investigation's (BCI) Special Investigations Unit (SIU) and Crime Scene Unit (CSU) in conducting an independent investigation into the facts and circumstances surrounding an officer-involved critical incident. The incident reportedly occurred on February 17, 2025 in the area of 294 Ira Avenue, Akron, OH 44301 and resulted in the death of Marcus L. Smith (Marcus).

Preface

This report serves as a synopsis of the investigation into the February 17, 2025, officer-involved shooting in Summit County, Ohio. This report only summarizes the information that the investigative team determined to be the most useful in achieving an overall understanding of what occurred in this incident. Every fact and detail is not presented in this summary report. Therefore, it is recommended that each individual report from which this document is derived be read in order to obtain a complete understanding of this investigation. Further, audio and/or video recordings exist for the majority of the interviews conducted, revealing further details of statements given regarding the incident.

This investigation was conducted with the purpose of determining, to the extent possible, the facts and circumstances surrounding this incident. As unbiased collectors of fact, the investigative team has not and will not render any opinion of the legality of

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officers' actions. Instead, it is anticipated that this investigation will provide the basis of information for decisions to be rendered by the appropriate authorities.

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Investigative Team

BCI Special Agent Jon Lieber (Lieber) was assigned as the lead SIU case agent. SA Lieber received assistance in the investigation from SA Joe Goudy (Goudy), SA Allison Fletcher (Fletcher), SA John Tingley (Tingley), and SA Jesse Bynum (Bynum). BCI Special Agents Laurna McClintock (McClintock), Chad Doran (Doran) and Crime Scene Technician (CST) Mike Rostocil (Rostocil) of the Crime Scene Unit processed the scene of the incident, documenting, preserving, and collecting possible evidence. The investigation was supervised by Special Agent Supervisor Chuck Moran. Additionally, various personnel from the BCI crime laboratory performed scientific analyses on submitted items of potential physical evidence.

Summary of Process

The following is a partial list of investigative activities or methods which were employed during the course of this investigation, by the investigative team, in an effort to thoroughly and accurately locate and document all pertinent facts and circumstances regarding this incident:

- Recorded interview(s) of the three officers who discharged their weapons
- Recorded interview of one officer who was involved in the incident, at the scene, or otherwise deemed to potentially have relevant information
- Neighborhood canvass of the area surrounding the scene
- Interview of the father of the decedent
- Special agent attendance at post-mortem examination (autopsy) of the deceased
- Obtained and reviewed post-mortem examination (autopsy) and toxicology reports
- Obtained and reviewed open and closed-source biographical information on the involved subject, including criminal history reports, OHLEG, driving records, etc.
- FBI National Crime Information Center (NCIC) checks on any non-law enforcement weapons involved in the incident (to determine if reported stolen)
- Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) trace on any non-law enforcement weapons involved in the incident (to determine ownership history)
- Review of all available dash cameras involved in the incident
- Review of all available body cameras involved in the incident
- Review of all available surveillance video which captured any portion of the incident

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- Processing of the scene for potential evidence (photographing, searching, measuring, documenting, and collecting)
- 3D scans / model of incident area
- Processing of involved vehicle(s) for potential evidence
- Reviewed audio communications on the radio frequencies utilized during the incident
- Review of 911/phone communications related to the incident
- Review of dispatch/CAD records pertaining to the incident
- Review of the department's reports, photographs, and investigative materials pertaining to the incident, excluding any Garrity statements or information derived from any compelled statement
- Conducted forensic laboratory examinations to include:
 1. Firearm identification testing of involved firearms, casings, and bullets
 2. Firearm operability testing
 3. DNA
- Collected and reviewed the departmental personnel files of the officers involved in the shooting, to include training and disciplinary records (if any)
- Reviewed firearm qualification and training records for involved officers
- Verified the Ohio Peace Officer Training Commission (OPOTC) certification status of the officer(s) who discharged their weapons
- Obtained the department's policies and procedures regarding use of force for prosecutorial review
- Enhancement of audio/video recordings through the assistance of the Ohio Organized Crime Investigations Commission
- Reviewed EMS records pertaining to their response and the treatment administered

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[Incident Summary/Overview](#)

On February 17, 2025, John Smith (John) called the Akron Police Department stating that his son Marcus Smith had showed up at his house located at 294 Ira Avenue and took his white/ pearl color Toyota Camry without permission. John also stated that Marcus had stolen his credit cards on February 14th. While APD officers were responding to the area, they learned that Marcus may have been involved in stealing a vehicle in Columbus, OH earlier that day.

APD [REDACTED] spotted a white/ pearl color Toyota Camry matching the description of John Smith's vehicle. [REDACTED] observed the vehicle as it ran two red lights. [REDACTED] attempted to conduct a traffic stop on the vehicle, but the vehicle failed to stop. A short time later, [REDACTED] joined the pursuit. As the officers were pursuing the vehicle, [REDACTED] observed the driver of the vehicle put his arm out of the window and fire gunshots. [REDACTED] stated that he heard 2 gunshots at that time. Officers continued to pursue the vehicle. The vehicle pursuit ultimately ended on Ira Avenue.

Body-worn camera video showed that as [REDACTED] exited his cruiser, he yelled for the subject to "Drop the fucking gun" and "Get down on the fucking ground." [REDACTED] then radioed that the subject had a gun in his hand and that he was right in front of the house (John Smith's house). Three gunshots were heard on [REDACTED] BWC video. [REDACTED] radioed that the subject was shooting. [REDACTED] then ran back to [REDACTED] cruiser, which was located on Ira Avenue, further away from Marcus' current location. This action created distance between [REDACTED] and Marcus.

[REDACTED] stated that Marcus had already shot at officers several times. He didn't want Marcus to get any closer to the officers, so he yelled "Drop the gun buddy. "Drop the gun buddy." [REDACTED] then fired three shots. After the third shot, Marcus fell to the ground. [REDACTED] and Michael Thornton arrived on the scene around that time. All four officers then moved toward Marcus while utilizing two APD cruisers for cover.

Once near Marcus, [REDACTED] yelled, "Watch, hey! "Look up, look up." Other officers yelled "Stay down" and "Get down." Video showed that Marcus appeared to be raising his upper body off of the ground.

Gunshots were heard each second from 09:10:23 – 09:10:26, and at the following second intervals: 29, 31, 32, 35, 37, 39, 40, 42, 46. During that timeframe, [REDACTED]

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fired 10 shots, [REDACTED] fired 3 [REDACTED] previously fired 3, his incident total was 6), and [REDACTED] fired 1.

Multiple verbal commands were given by officers throughout the incident. Some of those commands and the time associated with the commands are listed below.

At 09:10:28, an officer yelled, "Drop the fucking gun." Another officer yelled. "Drop the gun."

At 09:10:34, Marcus appeared to lift his upper body off of the ground.

At 09:10:37, an officer yelled, "Drop the gun."

At 09:10:39, an officer yelled, "Drop the gun."

At 09:10:44, an officer yelled, "Hands, show us your hands"

At 09:10:46, an officer yelled, "Put your hands up. "Put your hands up." Other officers yelled, "Hands up. "Hands up."

At 09:10:53, an officer yelled, "Put your fucking hands up." Other officers also yelled commands to Marcus.

At 09:10:56, an officer yelled, "drop the gun."

At 09:10:53, [REDACTED] yelled, "He still has the fucking gun. Still in his hand."

At 09:11:01, [REDACTED] radioed, "Start EMS. He's still moving. Still armed. Start EMS. Somebody with a shield."

At 09:11:07, [REDACTED] yelled, "Watch your left hand, still looks like a gun's in his left hand."

At 09:11:11, [REDACTED] yelled, "Drop the fucking gun."

At 09:11:24, [REDACTED] yelled for a person to back up and to get back in their home.

At 09:11:32, [REDACTED] yelled, "Yeah, he just shot at us. Get back inside."

At 09:11:49, officers began to approach Marcus.

Upon approaching Marcus, a firearm, later identified as a Colt Detective Special revolver, .38 Special caliber, containing 5 fired cartridge casings and 1 unfired cartridge, was located on the ground next to him. Officers moved Marcus away from

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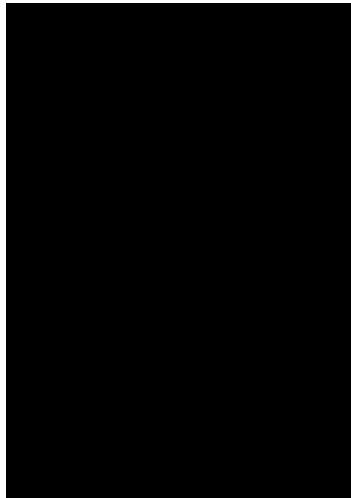
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the firearm and began to provide aid. Ultimately, Marcus died as a result of the injuries he sustained.

Decedent

Marcus L. Smith

DOB: July 17, 1985



Autopsy Report

The autopsy report for the decedent (Marcus L. Smith) was obtained from the Summit County Medical Examiner's Office. A review of those documents revealed the following information:

The cause of death for Marcus L. Smith was determined to be [REDACTED]
[REDACTED] The manner of death was ruled "[REDACTED]" The toxicology report indicated [REDACTED]

The "FINDINGS AND DIAGNOSES" section of the report listed the following relevant information:

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I.

II.

III.

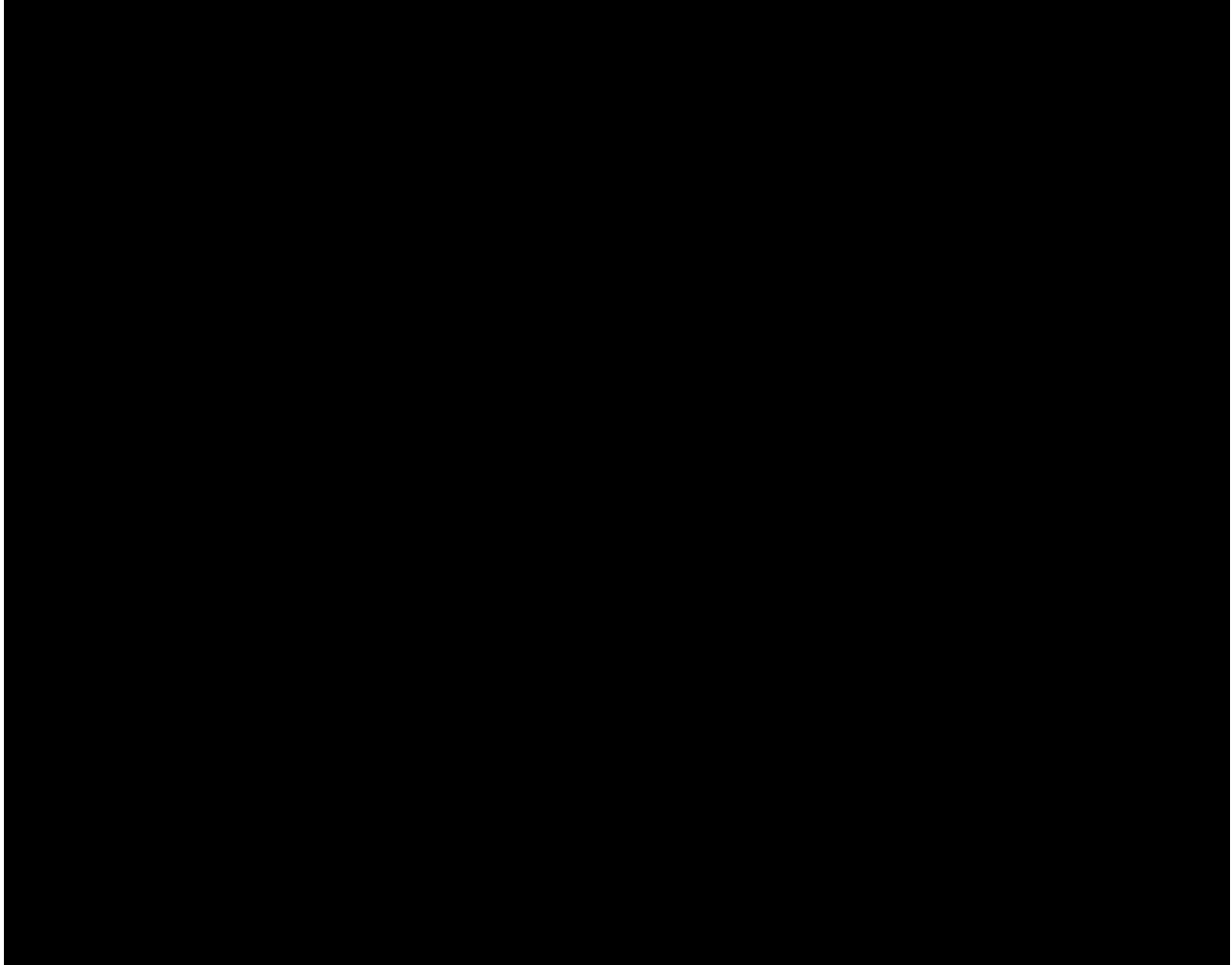
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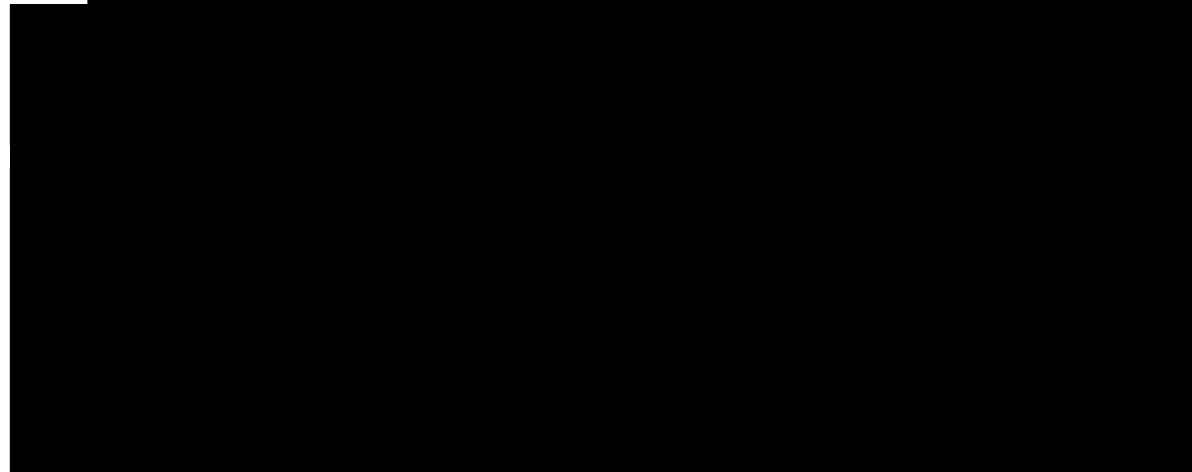
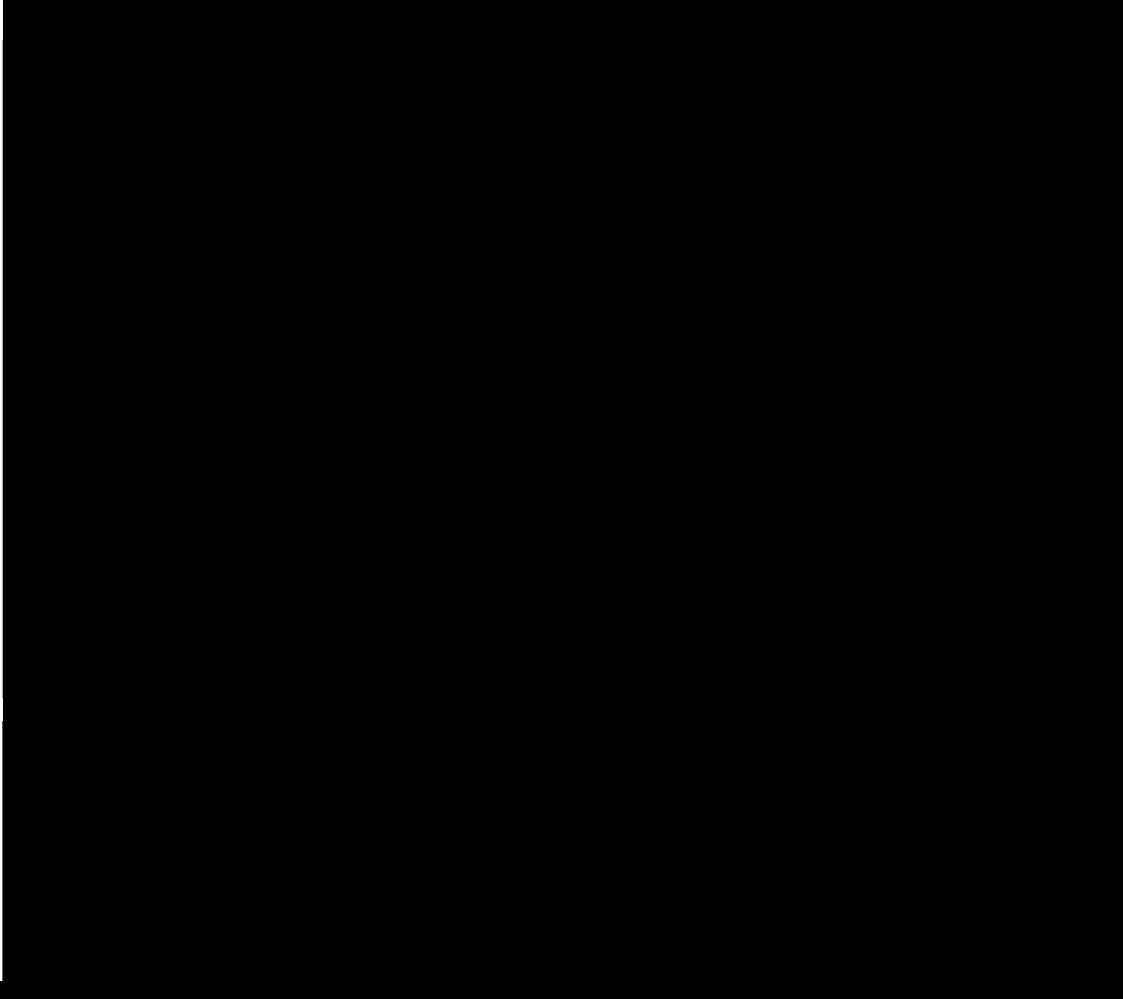
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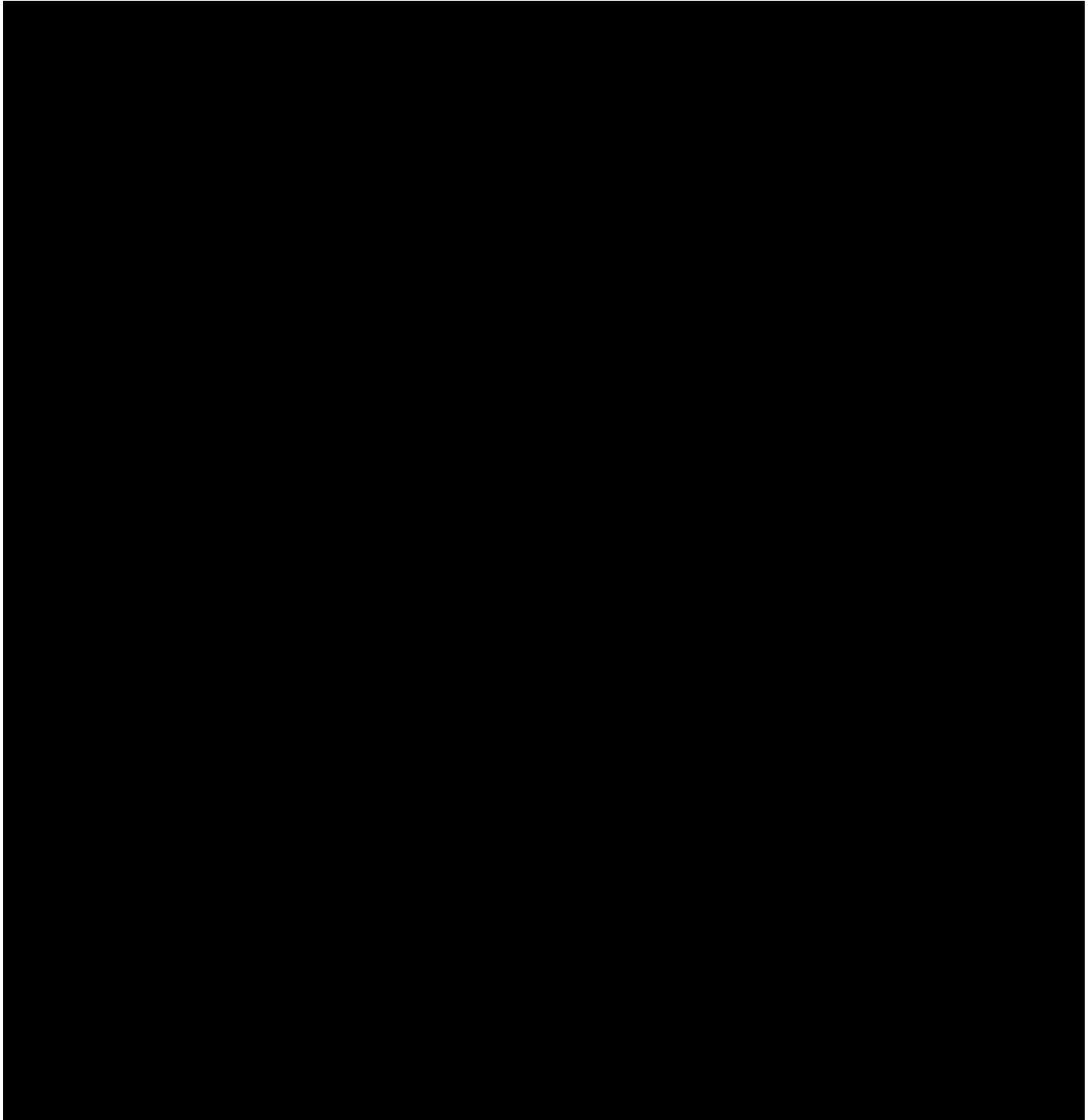
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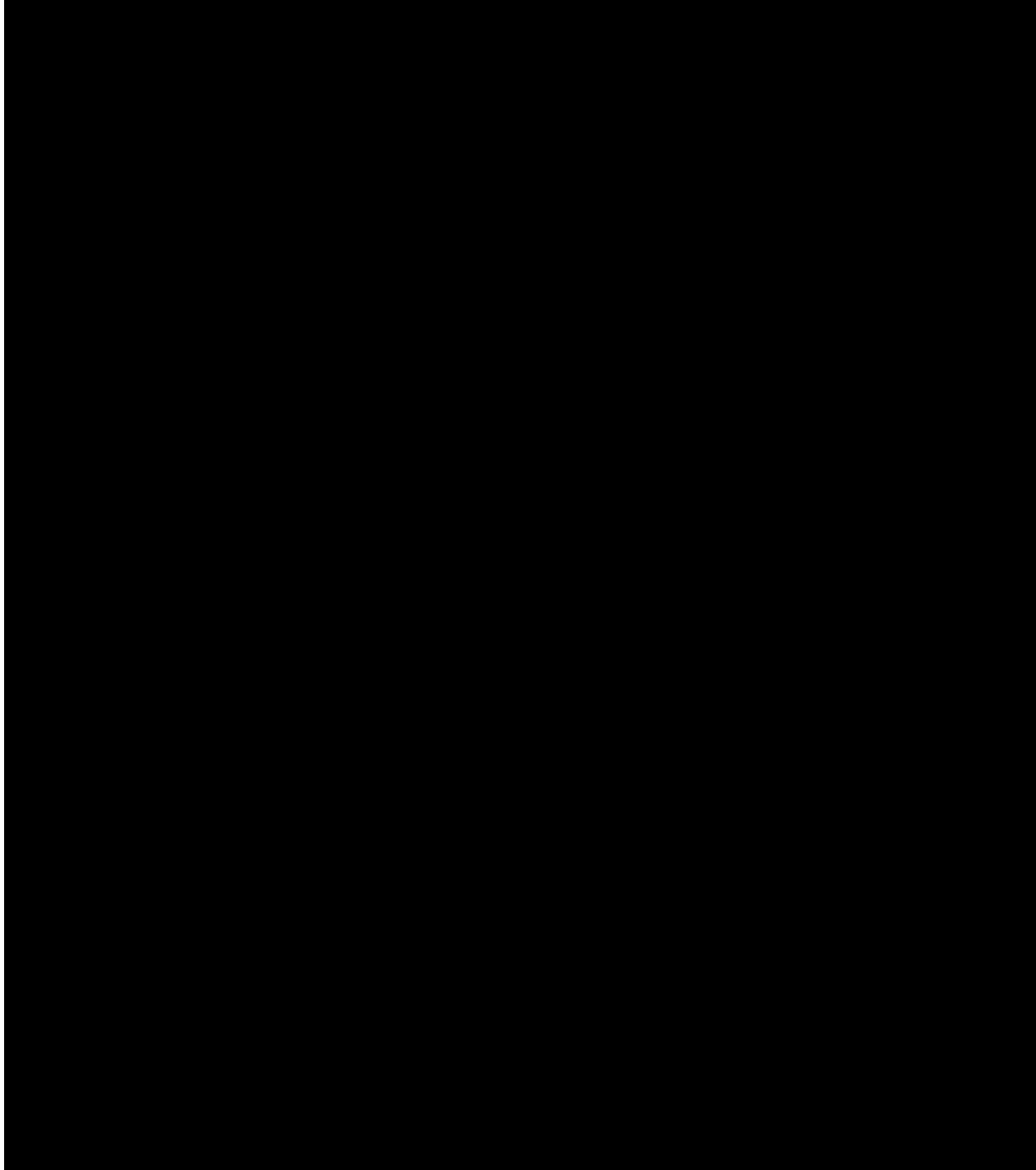
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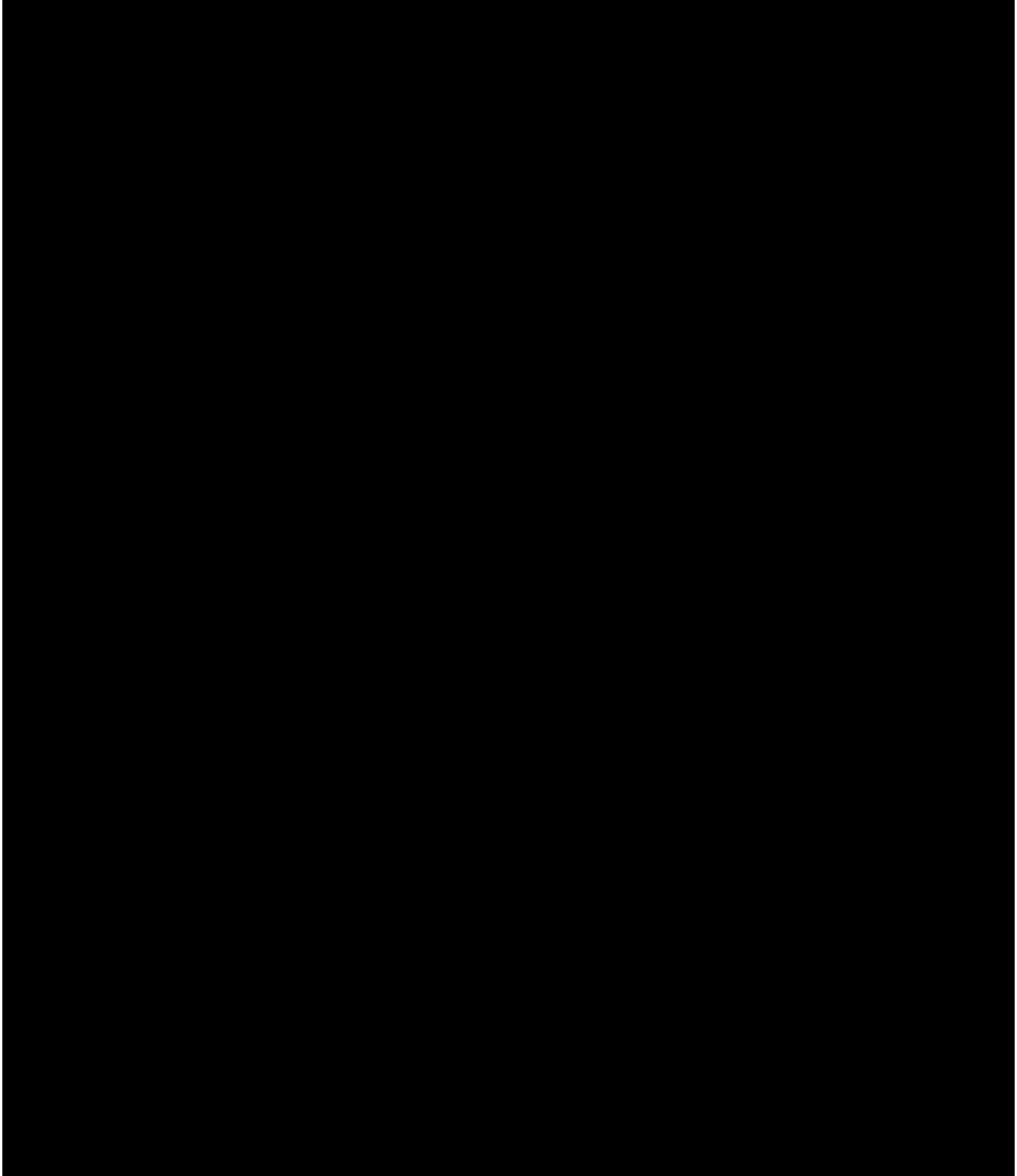
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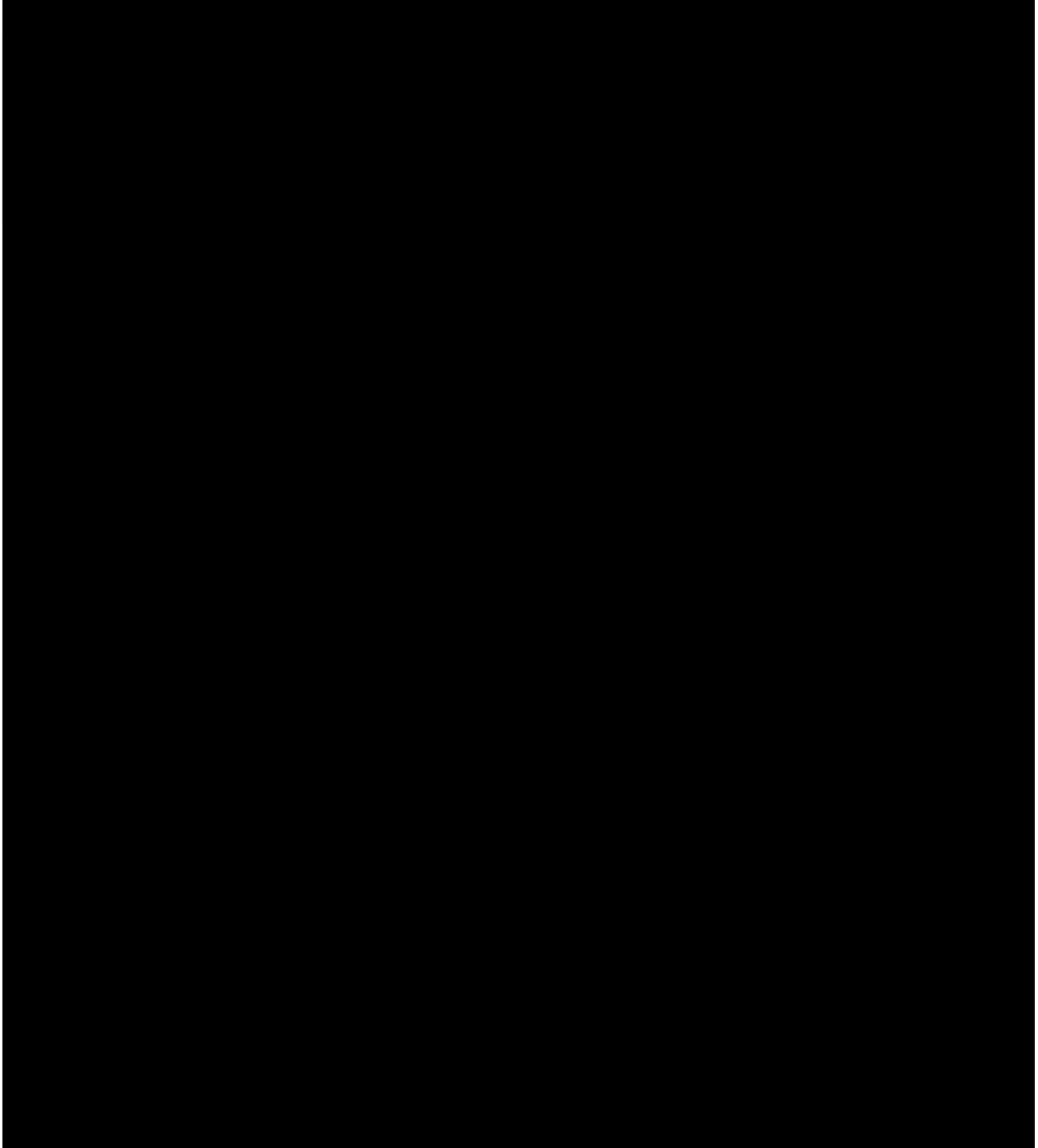
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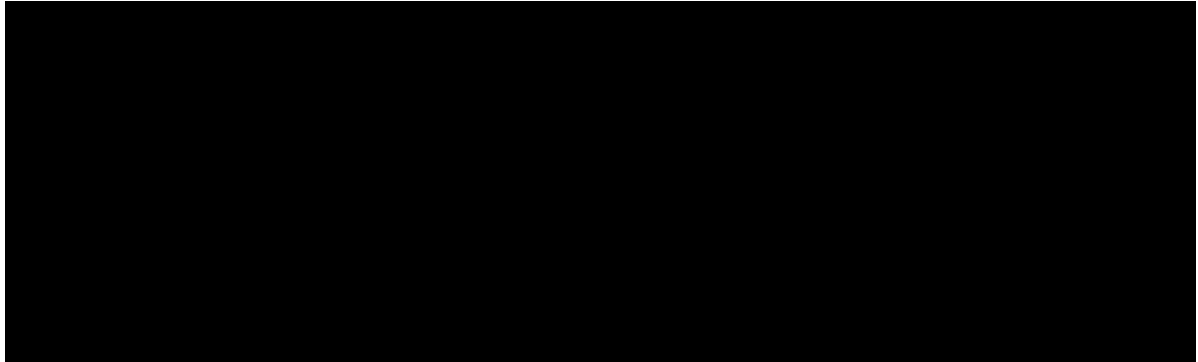
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Physical Evidence

The BCI Crime Scene Unit was requested to respond to the scene of the shooting in order to document and preserve any items of potential evidence. Multiple agents responded and processed the scene, including photographing and mapping the area, as well as the search for documentation, and collection of items of possible evidence. Detailed crime scene reports were completed with the information below only summarizing some of the more significant findings.

On Monday, February 17, 2025, at 0936hrs, SA McClintock was contacted by Special Agent Supervisor Ed Lulla and was requested to assist Lt. Whiddon and the Akron Police Department with the processing of a roadway in regard to an officer-involved critical incident.

The primary scene consisted of the roadway between 294 and 336 Ira Avenue. SA McClintock photographed the scene as it was found. The crime scene was searched for items of suspected evidence and several items were located, photographed and collected (*Table 1: Evidence Items, Figures 1-4*).

Evidence Item #	Description	Location
1	Fired Cartridge Casing - SPEER 9mm Luger	Street in front of 328
2	Fired Cartridge Casing - SPEER 9mm Luger	Street in front of 328
3	Fired Cartridge Casing - SPEER 9mm Luger	Street in front of 328
4	Fired Cartridge Casing - SPEER 9mm Luger	Street in front of 328
5	Fired Cartridge Casing - SPEER 9mm Luger	Street in front of 328
6	Fired Cartridge Casing - SPEER 9mm Luger	Street in front of 328
7	Fired Cartridge Casing - SPEER 9mm Luger	Street in front of 328
8	Fired Cartridge Casing - SPEER 9mm Luger	Street in front of 328

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9	Sunglasses	Street in front of 315
10	Colt Detective Special .38 SPL Revolver SN:829191, 5 fired cart. cases 1 unfired cartridge	Street in front of 315
11	Fired Cartridge Casing - SPEER 9mm Luger	Street in front of 328
12	Fired Cartridge Casing - SPEER 9mm Luger	Street in front of 328
13	Fired Cartridge Casing - SPEER 9mm Luger	Street in front of 328
14	Fired Cartridge Casing - SPEER 9mm Luger	Street in front of 328
15	Fired Cartridge Casing - SPEER 9mm Luger	Street in front of 328
16	Fired Cartridge Casing - SPEER 9mm Luger	Tree lawn in front of 328
17	Fired Cartridge Casing - SPEER 9mm Luger	Street in front of 336
18	Fired Cartridge Casing - SPEER 9mm Luger	Street in front of 336
19	Fired Cartridge Casing - SPEER 9mm Luger	Street in front of 336
20	Bookbag	Toyota Camry
21	Pouch	Toyota Camry
22	Head covering	Toyota Camry
23	Glock 45 9mm APD [REDACTED] [REDACTED] 1 unfired cart. from chamber, mag. w/ 16 cartridges	SA Lieber
24	Glock 45 9mm APD [REDACTED] [REDACTED] 1 unfired cart. from chamber, mag. w/ 7 cartridges	SA Lieber
25	Glock 17 9mm APD [REDACTED] [REDACTED] 1 unfired cart. from chamber, mag. w/ 11 cartridges	SA Lieber

Table 1: Evidence Items

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Figure 1: Evidence Items #1-8 & #11-16

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Figure 2: Evidence Items #9 & #10

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Figure 3: Evidence Items #17-19

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Figure 4: Evidence Items #20-22

The scene and evidence were further documented using a Leica BLK360 3D laser scanner. The scan data was prepared for viewing using the Leica Cyclone Register 360 software. An overhead diagram was created using the Leica Map360 software (*Figure 5: Overhead Diagram*).

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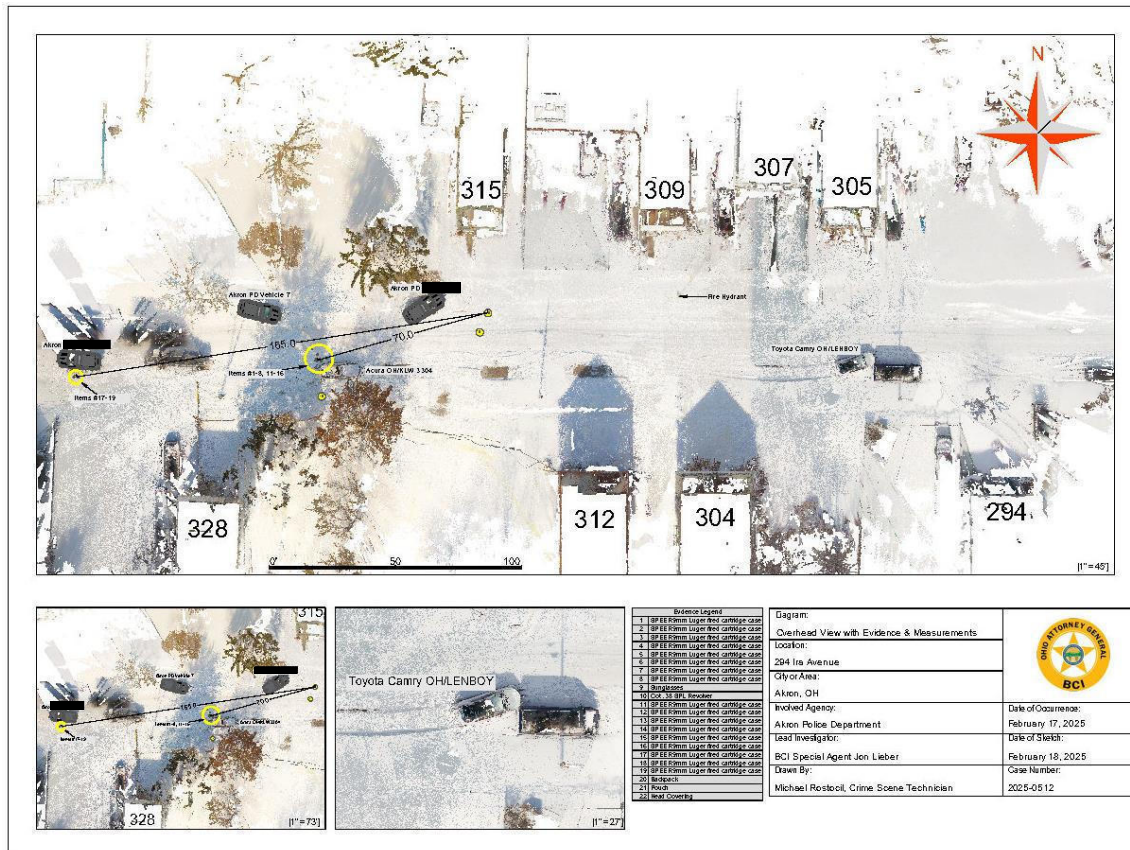


Figure 5: Overhead Diagram

All items of evidence were transported by CST Rostocil to BCI – Richfield to be held as evidence. An Inventory / Receipt Attachment form was filled out and signed by CST Rostocil.

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BCI Laboratory

Various items of potential evidence were submitted to the BCI Laboratory for analysis. The actual reports should be consulted as the following synopsis does not include many of the details from the full reports.

DNA

A swab from the grip (Lab #9.2) of the firearm contained the DNA profile of an unknown male. During the February 17, 2025, interview of John Smith, father of Marcus Smith, John stated that he noticed that his .38 caliber revolver, that he kept under his bed pillow, was missing. John noticed that the firearm was missing at the same time that Marcus took John's vehicle. Please refer to the report titled **2025-02-17: Interview with John Smith Jr. – Father of Marcus Smith** for additional information.

A swab of the cylinder and textured buttons/levers (Lab #9.3) of the firearm contained a major DNA profile consistent with Marcus Smith with an estimated frequency of occurrence of rarer than 1 in 1 trillion unrelated individuals.

Other areas of the firearm were swabbed but the resulting DNA profiles were not of sufficient quality for comparison.

Firearms

The BCI Firearms Section performed an analysis of the officers' firearms, as well as the firearm-related evidence collected from the scene and autopsy (casings and bullets). By comparing evidentiary cartridge casings/projectiles to known standards from each weapon, identifications were able to be made as to which casings/projectiles were fired from each firearm. Of the casings/projectiles recovered, the following identifications were made:

The Colt Detective Special, serial #829191 (CS & Matrix #010, Lab #009) utilized by Marcus Smith was found to be operable. In addition, the revolver contained five (5) fired cartridge cases and one (1) live cartridge.

The envelope, containing projectiles recovered during the autopsy of Marcus Smith, was found to contain eight (8) fired bullets and three (3) fragments. The fired bullets were labeled 23EB1-8. The three fragments were not examined.

The Glock pistol utilized by [REDACTED] (CS & Matrix #024, Lab #020) was found to have a source identification to items 23EB1-23EB6 and 23EB8: a total of six (6) fired bullets obtained during the autopsy of Marcus.

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The Glock pistol utilized by [REDACTED] (CS & Matrix #025, Lab #021) was found to have a source identification to item 23EB7, a fired bullet obtained during the autopsy of Marcus.

The Glock pistol utilized by [REDACTED] (CS & Matrix #023, Lab #019) was found to have a source identification to item 23EB1, a fired bullet obtained during the autopsy of Marcus.

Witnesses

John Smith Jr. (Father of Marcus Smith)

On February 17, 2025, SA Fletcher and SA Bynum conducted an interview with John Smith Jr., who was the father of Marcus Smith, at his residence located at 294 Ira Avenue, Akron, Ohio, 44301.

Prior to the interview, SA Fletcher, and Akron Police Department (APD) Detective Sergeant Mike Orrand (Orrand) made a death notification to the next of kin, John, at his residence. John agreed to participate in an interview with BCI agents after he made some personal phone calls. A summary of the interview with John has been provided below:

Approximately one and half years ago, Marcus was enrolled at the University of Cincinnati in a Sociology Doctoral (PHD) program. Marcus was also employed as a teacher at the university. Six months prior to the completion of his PHD Program, Marcus failed an exam in one of his classes and became very upset over the grading scale. Marcus believed the test and grading scale had been skewed by the professor in favor of a female student. Around the same time, Marcus ended his relationship with his girlfriend (unknown name).

John believed Marcus began to struggle mentally after the combination of failing his PHD program, being removed as a teacher, and ending his romantic relationship.

Due to the struggles Marcus was experiencing, Marcus sought medical help and was prescribed an unknown medication. Marcus also attended sessions with a therapist. Marcus continued the process of switching therapists and medications a few times until he was prescribed his final (unknown) medication that John believed was helping Marcus.

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John was unaware of any diagnosis that Marcus may have received. He recalled doctor's stating that Marcus was "too smart," and they were unable to determine a diagnosis.

Marcus continued to mentally struggle and was known to have suicidal ideations. John recalled one incident (unknown date) where Marcus laid tires in the roadway (unknown location) and laid on the tires. It was unclear what Marcus' intentions were during the incident involving the tires. According to John, Marcus was never violent with any of his behavior over the last year. John believed, "whatever he [Marcus] was doing, he wasn't doing it to nobody else but himself" [06:24].

Although Marcus was a resident of the Cincinnati area, he consistently visited his father, John, in Akron. Marcus visited more frequently during the last year and a half, while Marcus was unemployed and no longer enrolled in school. John recalled Marcus sometimes being "his old self" and other times turning "into something [he] didn't know" [05:19].

Unfortunately, Marcus was beginning a pattern of lying to his father after he took multiple credit cards and John's Ohio driver's license stating he [Marcus] was going to book travel plans for the two of them. Marcus never followed through and kept the credit card for himself.

Beginning Friday, February 14, 2025, Marcus was again, visiting his father in Akron. Later in the day, John noticed Marcus packing up his belongings into his [Marcus'] personal vehicle, a red Toyota Corolla. Marcus told John he was leaving to go back to Cincinnati. John left for dinner that evening and returned at approximately 2300 hours and found Marcus and all Marcus' belongings to be gone.

On Monday February 17, 2025, at approximately 0800 hours, Marcus returned to the 294 Ira Avenue residence. John engaged in a brief conversation with Marcus who stated he had been in Columbus at the "Casino." Marcus also told John he had used his [John's] credit cards to pay for a rental vehicle and hotel while in Columbus. John observed a dark colored Toyota parked in the roadway in front of the residence. The vehicle did not belong to Marcus.

After the brief conversation, John returned to his bedroom to get dressed. When he left the bedroom, he noticed the basement light was turned on and thought maybe Marcus went into the basement for something. John then proceeded to use the restroom. When he left the restroom, he attempted to locate Marcus in the house and was unable to find him.

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John then noticed his loaded .38 caliber revolver, that he kept under his bed pillow, was missing. He also noticed that his car keys were missing from their hook, and his white Toyota Corolla was no longer parked in the driveway. It appeared as though Marcus had driven the white Toyota Corolla across the front yard as it had been parked in front of another vehicle in the single car driveway.

John realized that Marcus had stolen his white Toyota Corolla, credit cards, and loaded firearm and contacted the APD for assistance. He provided the dispatcher with a description of his son Marcus, and the vehicle he was driving. After the phone call, John proceeded to go about with his house chores.

Not long after his phone call to APD, John heard gunshots outside his residence. He looked out his kitchen window and observed Marcus walking down the center of Ira Avenue, shooting a gun towards Lakeshore Boulevard (West). John ran outside his house and began yelling at Marcus to stop. Marcus continued to walk west on Ira Avenue and fired the gun again. John then observed APD officers in the area where Marcus was shooting his gun. Marcus put the firearm down to his right side as he continued to walk towards officers, officers then shot Marcus multiple times and he fell to the ground.

John recalled Marcus firing his gun 2-3 times at officers. Marcus was standing near a yellow fire hydrant on Ira Avenue just northwest of John's residence. The officers were west of Marcus' location. As John watched Marcus walk towards the officers, he thought to himself, "he [Marcus] just committed suicide" [19:23].

John provided an approximate location where he observed Marcus and officers during the incident. A photo of his vantage point from the kitchen window of 294 Ira Avenue was taken (Figure 1).

The interview and notification were audio recorded. The recordings and the photograph depicting John's view from the kitchen window have been saved to Evidence.com as Reference Item D.



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Figure 1 - 2025-02-17 John Smith Kitchen Window View

Ofc. Michael Thornton

Thornton was identified as being a police officer who witnessed and/or had some level of involvement in the February 17, 2025 officer-involved shooting which occurred in the area of 294 Ira Avenue, Akron, OH 44301, Ohio. Reportedly, Thornton did not discharge a firearm during the course of the incident.

Thornton was on a call for a disabled vehicle when he heard the radio call to [REDACTED] regarding an individual leaving a rental car at his father's house and then

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taking the father's vehicle, a white color Toyota sedan. Thornton also recalled a BOLO (Be on the lookout) from Columbus PD for a vehicle involved in an armed robbery.

While Thornton was still on his disabled vehicle call, he heard [REDACTED] radio that he spotted the father's vehicle (white Toyota Camry) traveling at a high rate of speed on Kenmore Boulevard. [REDACTED] attempted to stop the vehicle and subsequently notified dispatch that the occupant of the vehicle had fired 2 shots at him. Thornton then left the call he was on to respond to assist [REDACTED]. The pursuit continued on Kenmore Boulevard and turned north on Lakeshore Boulevard. Thornton heard the officers who were already on scene radio that the subject was out of his vehicle and firing shots at them. The officers also radioed that they had returned fire.

When Thornton arrived on Ira Avenue, he saw officers [REDACTED] moving one of the APD cruisers up closer to the subject. Thornton paralleled the officers with his cruiser in an effort to provide additional cover. After they stopped their vehicles, Thornton recalled hearing [REDACTED] say that the subject still had the gun in his hand and yelling at the subject to drop the gun. Thornton then saw [REDACTED] fire 1 to 2 shots at the subject. [REDACTED] moved behind a cruiser near Thornton. The officers then moved toward the subject and began to render medical aid.

Thornton was then given the opportunity to view his BWC video. After reviewing the video, Thornton did not have anything to add to his statement.

Officer Interviews

The following paragraphs are abbreviated versions of each officer's account of his actions pertaining to this incident and/or discharging their weapon. More detailed accounts can be found by reading the separate reports written by the interviewers and by reviewing the recordings of each interview.

[REDACTED]
On February 17, 2025, [REDACTED] was on the scene of a traffic crash on the Kenmore leg of the expressway. [REDACTED] recalled something coming in on the computer in his vehicle related to a BOLO (Be on the lookout) from Columbus PD. [REDACTED] then heard radio traffic related to locating a vehicle. [REDACTED] finished his crash report and was then driving on Kenmore Boulevard approaching Manchester Road when he observed a vehicle proceeding through 2 red lights without stopping.

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██████████ activated his vehicle's emergency lights and siren. ██████████ then radioed that he had observed an extremely reckless op., the vehicle blew two (2) red lights, and that they were traveling eastbound on Kenmore Boulevard toward Ira Avenue. ██████████ also described the vehicle as a white-color Toyota Camry. Another officer radioed that the vehicle ██████████ described was the BOLO vehicle. ██████████ stated that the vehicle did not yield to his emergency lights and siren. As they approached Lakeshore Boulevard, ██████████ noticed another APD vehicle (driven by ██████████). When the pursuit continued onto Lakeshore Boulevard ██████████ took over calling out the pursuit on the radio.

██████████ then observed the subject in the Camry reach out of the vehicle and fire a shot. ██████████ ducked down and radioed that shots were fired, and the subject was shooting at them. ██████████ then drove past ██████████. They then turned onto Ira Avenue. ██████████ saw the subject pull the vehicle to the curb and jump out of the vehicle. ██████████ radioed the subject's clothing description as black and gray in color. ██████████ then exited his cruiser and took cover. ██████████ radioed that the subject was walking away from officers in an eastbound direction on Ira Avenue. The subject turned and started coming toward officers. ██████████ stated that he had activated his BWC manually as it did not automatically activate when he activated his vehicle emergency lights.

██████████ stated:

"So, I remember ██████████ being on my left somewhere. I remember who I believe was ██████████ running across the road in front of me. And I remember whether I said it or not, there's a big tree. I, you know, was I said, you know, take the tree or what, I don't know if I did or not whatever, but I, I believe ██████████ was running across the road. He was over somewhere to my right. So, we're looking, you know, he had already shot at us several times. So, um, I knew that I didn't want him to get any closer. And I was also remember like worried that because he, there was houses behind him, but I also did not want him to get any closer to us to have a, you know, closer shot.

So, at that point I just, I knew that I had to stop him before it got any closer. And I remember saying drop the gun or whatever I said, and I got on my sights and I fired three times. Uh, I know that the second shot hit him, uh, 'cause I saw him like react to it. And then I fired a third time in that, that's when he went down. So, I kept cover on him, which I remembered only being about four or five seconds. And then he started

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getting back up again and that's when I fired three more times. And that's when he's remained down. And we started coming up and approaching him and that's when I saw the gun on his left" [12:38].

Officers then dragged the subject away from the gun. [REDACTED] ran back to his cruiser to grab gloves and his coat. [REDACTED] stated that a person yelled to them that the subject was his son.

SA Lieber asked if the subject fired shots when he exited the vehicle. [REDACTED] stated that he had not watched his BWC video, but he had heard audio portions of the recording from the news. [REDACTED] stated that he did radio that the subject fired additional shots at them, but if he had been asked before hearing the audio he is not sure if he would have remembered.

SA Lieber asked if [REDACTED] believed that he fired all 6 of his rounds from the same location. [REDACTED] stated that was what he remembered. SA Lieber asked [REDACTED] if he recalled any other officers firing. [REDACTED] stated that [REDACTED] fired, but he did not know how many shots.

SA Lieber asked [REDACTED] specifically what caused him to fire his first 3 shots. [REDACTED] stated "To not let him get any closer, to have a better shot at us" [17:15]. SA Lieber asked if the subject had a firearm at that point. [REDACTED] stated "Yes, yes" [17:23]. SA Lieber asked when [REDACTED] fired the second 3 shots. [REDACTED] stated "When he started getting back up off the ground" [17:37]. SA Lieber asked if [REDACTED] could see that the subject had a firearm when he was getting back up. [REDACTED] stated, "I don't remember. I don't remember seeing the firearm. I don't remember seeing the firearm. I just remember him trying to get back up. I mean he was advancing towards us, you know, clearly, he had already taken shots at us. Um, I just didn't want him to get any closer to us" [17:45].

[REDACTED] was then given the opportunity to review his BWC video. After reviewing the video, [REDACTED] was asked if there was anything that he would like to add, modify or change about his statement. [REDACTED] stated that he realized that he radioed the color of the subject's clothing as brown and tan (not black and gray). [REDACTED] also stated that the video showed that officers utilized [REDACTED] vehicle and moved closer to the subject. [REDACTED] did not recall moving closer to the subject.

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██████████ was informed that a father (John Smith) called APD and reported that his son (Marcus Smith) had stolen his vehicle. ██████████ indicated that the call notes stated that on February 14th, Marcus Smith had stolen John Smith's credit cards and left the house. Marcus then came back to John's house on February 17th, leaving what was believed to be a rental vehicle on the street, and took John's vehicle. ██████████ stated that John's vehicle was described as a white color Toyota Camry with the vanity license plate LENBOY. ██████████ stated that he was able to use the computer in his vehicle to look up John and Marcus Smith. This allowed ██████████ to see a photograph of Marcus.

██████████ also received a BOLO (Be on the lookout) from dispatch for a robbery suspect that stole a vehicle from a female victim in Columbus. ██████████ stated that Marcus Smith matched the description of the robbery suspect. ██████████ contacted the Columbus PD officer and provided Marcus' information. The Columbus officer had a surveillance image of the robbery suspect and was able to compare that image with Marcus' photograph. The Columbus PD officer informed ██████████ that the robbery suspect appeared to be Marcus Smith.

██████████ stated that once he got near John's residence and while he was waiting for the backup officer, ██████████ to arrive, he ran the license plate of John's vehicle through their FLOCK system. ██████████ located some images of the vehicle, and he put that information out over the radio. While ██████████ was sitting stationery at Lakeshore Boulevard and Kenmore Boulevard, he heard ██████████ radio that a vehicle ran 2 red lights, and he was trying to stop the vehicle. ██████████ then radioed that he was pursuing the vehicle on Kenmore Boulevard approaching Lakeshore Boulevard. ██████████ then saw the vehicle being pursued and noted that it was a white Toyota Camry. ██████████ radioed that the vehicle ██████████ was pursuing was the stolen vehicle that John Smith had called in. ██████████ then pulled behind ██████████ as they continued to pursue the vehicle. ██████████ stated that they went from Kenmore Boulevard and turned north onto Lakeshore Boulevard. At this time, ██████████ heard two (2) gunshots. ██████████ then radioed that the subject fired 2 shots at him.

The pursuit continued for a few more blocks and then the vehicle turned onto Ira Avenue. The vehicle stopped in front of John Smith's house. ██████████ stopped his vehicle approximately 120 feet back. ██████████ saw Marcus exit the vehicle with a pistol in his hand. ██████████ yelled for Marcus to stop and to drop the gun. Marcus then went around the passenger side of the vehicle, and it appeared to ██████████ that Marcus was going to take off running eastbound. However, after a few steps Marcus turned back

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around and was now facing [REDACTED] cruiser. Marcus then fired 3 to 4 shots. [REDACTED] stated that he didn't want to fire from that distance, so he ran back to [REDACTED] vehicle for better cover.

Marcus continued to move toward the front of [REDACTED] cruiser. [REDACTED] heard 3 more shots, which were fired by [REDACTED] and saw Marcus fall to the ground. Officers gave verbal commands for Marcus to put his hands out and to drop the gun. [REDACTED] arrived and the officers decided to approach Marcus. [REDACTED] drove [REDACTED] cruiser closer to Marcus as officers followed alongside. [REDACTED] said, "And when we get, uh, closer, uh, [REDACTED] was exiting the vehicle. Mr. Smith stand, sits up to get back up, uh, looks to still be, uh, carrying a pistol. Uh, that's when I fired, uh, my, my rounds and then, uh, continued till he, he, there was no response" [12:28]. Once officers confirmed that Marcus was not moving, they approached and began to render medical aid.

SA Lieber asked [REDACTED] if he was able to see what Marcus was doing just before [REDACTED] fired his first 3 shots. [REDACTED] stated, "He was walking towards us still with the, uh, firearm in his right hand" [15:14].

[REDACTED] was then given the opportunity to view his BWC video. After reviewing the video, [REDACTED] did not have anything to add to his statement.

[REDACTED] stated that [REDACTED] had received a service call regarding a stolen vehicle near Ira Avenue. [REDACTED] stated that while [REDACTED] was headed to that call, a BOLO (Be on the lookout) from Columbus came up on his in-car computer regarding a carjacking/ robbery. [REDACTED] stated that when he read the call notes from [REDACTED] call, that call and the BOLO appeared to be related. [REDACTED] decided to head toward [REDACTED] call. [REDACTED] decided that [REDACTED] would contact the Columbus PD officer and then [REDACTED] would meet up prior to heading to the stolen vehicle call.

While [REDACTED] was driving to meet [REDACTED], another officer [REDACTED] radioed that a white-colored vehicle ran through some stop signs. [REDACTED] stated that a white vehicle was what had been reported stolen near Ira Avenue. [REDACTED] stated that a short time later, [REDACTED] radioed that the person in the white vehicle had shot at him and that they were chasing the vehicle. Officers then radioed that they were turning on to Ira Avenue. The next radio traffic that [REDACTED] heard was that the subject was running down the street. When [REDACTED] turned on to Ira Avenue, he saw two APD

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cruisers, a white-colored vehicle that appeared to have crashed on the far right, and a guy that was "a good distance away" [10:43] in the middle of the street. [REDACTED] stated that he also kept hearing gunshots. At that time, [REDACTED] could not tell who was firing the shots.

[REDACTED] exited his vehicle. [REDACTED] stated that the subject had fallen to the ground, so officers decided to move up closer to the subject's location. [REDACTED] got into the driver's seat of [REDACTED] cruiser and slowly drove it toward the subject. [REDACTED] were walking behind the cruiser. As they were moving, another APD vehicle arrived (driven by Ofc. Michael Thornton).

When they got closer, [REDACTED] exited the vehicle. Officers were giving verbal commands for the subject to drop his weapon and to put his hands up. [REDACTED] stated that the subject "... was kind of on the ground, but not on the ground. And I remember him getting up and then I just hear more gunfire. And I don't know at this point, I, I wasn't sure where it was coming from or which direction it was going. My ear was ringing all of a sudden, like loud" [11:29].

[REDACTED] looped around and stopped near a black-colored vehicle that was parked on the right side of the road. [REDACTED] said "... I'm standing there with my gun drawn and yelling, you know, drop the gun, drop the gun, and I just keep hearing gunfire. So, I'm like, well, shit, this guy is still shooting at us. I don't know how he's still shooting at us. So, then I shot, um, and then time kind of slowed down for a second. And then the next thing I remember I heard another one or two shots and he was down" [12:09].

Officers then approached the subject. [REDACTED] saw a gun that was partially covered in snow next to the subject. [REDACTED] pulled the subject further into the street and away from the gun. [REDACTED] then began CPR.

SA Lieber asked [REDACTED] to describe the position of the subject when he said that the subject "was kind of on the ground, but not on the ground..." [REDACTED] said, that the subject looked like he was sitting or half lying on the ground."

SA Lieber asked [REDACTED] to describe what the subject was doing at the time he decided to fire. [REDACTED] said, "He was standing there and he still had the gun in his hand. And all, everybody's yelling, drop the gun, drop the gun, drop the gun. But there's still gunfire going on. And I was like, how is this in my mind, you know? I'm like, how is this guy still shooting at us? We're all standing, you know, really close now. So that's why I was like, this guy has gotta quit shooting at us. And that's why I shot. Because plus I didn't know where the other officers were and I didn't want any more officers or people

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coming out of there, like coming up or coming outta their homes and get shot by somebody on accident" [15:11].

██████ was then given the opportunity to view his BWC video. After reviewing the video, ██████ stated that he now realized that he only fired 1 shot. Previously, ██████ stated that he believed that he fired 1 or 2 shots.

Dispatch-Related Information

Akron PD radio traffic OIS ██████

The audio recording was 12 minutes and 08 seconds in duration. Only the radio traffic deemed to be most relevant to the incident is shown below.

Description	Elapsed time
7 you calling ██████	00:35
Yeah, if, if you guys gimme like two minutes. I'm just waiting for this guy to put some gas in the car. I should be uh, free.	00:38
(Unintelligible) copy uh, sounds like he took the dad's Toyota car. I don't know if he's gonna try switching plates or what he's gonna do, but that sounds like this, uh, car he stole is gonna be there.	00:46
(Unintelligible) yeah, uh, the vehicle they took is a white Camry. The one they put the plate on was like a dark green car.	01:06
Yeah, it's a dark green car. They said uh, no gun was used or anything when he stole it. He just pulled the lady out, pushed her to ground and uh, took the vehicle.	01:15
Yeah, just a quick bolo too with that. Uh, white Toyota Camry. It's out. Uh, if anybody sees it, it's uh, looks like uh, has an army or military license plate. And then in the back window the back seats have like a uh, red cover over 'em in case anybody sees that vehicle.	02:08
Okay reference car ██████ call on Ira Avenue. Anybody spots that white Toyota Camry uh, with an army or military type plate, back windshield would reveal that the back seats have a red covering. Again, that's related to 294 Ira Avenue.	02:37

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Description	Elapsed time
■ I have a car that just blew two red lights right in front of me. It's a white Camry. We are eastbound on Lakes or on Kenmore coming up the Lakeshore. Extreme, extreme reckless op trying to get a plate, uh, coming up to Lakeshore.	03:01
Okay. All cars stand by. Uh, ■ are you copying that traffic?	03:23
That's gonna be uh, our suspect.	03:29
He's not stopping. You could probably make this a chase. Uh, we're gonna be north on Lakeshore.	03:34
Shots fired. Shots fired. He is shooting at us. Shots fired. Shots fired. He just took two shots at us. Use caution.	03:42
Alright, that car just uh, still going. He's gonna be making an eastbound turn onto Lake. Sorry, eastbound turn onto Ira.	03:51
All cars standby.	04:00
Everybody. Okay.	04:13
They're on two patch channels.	04:22
He just took three more shots at us, he's on foot. Brown leather jacket, tan pants running uh, no he's running uh, eastbound on uh, Ira. Units responding use caution.	04:28
Yeah. All units signal 21, 294 Ira Avenue.	04:51
7, I pulled. I'm en route.	04:56
Hey, anybody with a rifle? Get up here. Rifle. Get up here.	04:59
Where you at ■	05:09
Shots fired, Police shots fired. He's down. Still Signal 21. He's down right in front of the cruiser. (Unintelligible) to approach.	05:17
44, you copying this traffic?	05:34
Yeah, I'm en route.	05:38
40, I'm en route as well.	05:42
Copy 40.	05:45
(Unintelligible) Moving up on him. No movement.	05:51
Stop right there.	06:01
All responding units. Make sure you get there safely but get there	06:09
(Unintelligible).	06:17
All cars standby.	06:19
Start EMS. He's still moving. Still armed. Start EMS. Somebody with a shield.	06:28
EMS en route.	06:35
Get a shield up here now.	06:41
Is it safe for EMS approach?	06:45

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Description	Elapsed time
No.	06:48
I have a shield.	06:54
Units, slow down. It's safe for EMS approach. Have them approach now. Units if you're blocking the road, move for EMS.	07:02
Have EMS approach from the east.	07:16
(Unintelligible) suspect is down. Not conscious, not breathing.	07:26
Make room for EMS down on Lakeshore. Make room for EMS.	07:38
40, we have CPR in progress.	07:52
Units approaching on Ira from the east to the west, set up crime scene, block everything off back at that cruiser at the intersection.	08:13
We also need units to block traffic at Lakeshore and Kenmore. That's where the first shot was fired.	08:36
Remaining radio traffic related to shift notifications, officer response, and securing the scene.	

Phone Calls

Call from John Smith to Akron PD

The audio recording was 3 minutes and 53 seconds in duration.

John L. Smith called Akron police and fire dispatch stating that he needed to report a theft. John provided the address as 294 Ira Avenue, Akron, Ohio 44301. The dispatcher asked John what was stolen. John replied, "My car?" "Well, uh, my son, he has a, he has a mental problem and he stole my, all my credit cards about, oh, the 14th of, of February, last Friday. And he disappeared until now. He come here, he just come here, home here? Well, he's been staying with me about a week, but he actually live in Cincinnati with his mom. And so, he came, he just came here first time seeing him since he took my credit cards and, and ran off last Friday, just coming here half an hour ago. And I don't know, he's in some kind of stage, but I tried to talk to him and I didn't have my clothes on, so I went in the bedroom and put, put some clothes on while I went in the bedroom, put the clothes on. He ran out, got, he ran there and got my keys to my car and took off" [00:39].

John stated that this occurred approximately 15 minutes ago. John stated that his car was a 2020 Toyota Camry that is pearl in color but looks white. John provided the

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license plate as L-E-N-B-O-Y (LENBOY). The dispatcher asked John if he knew where his son was headed. John replied, "No, he just come in here and I was in the bed and I got up and uh, I asked him, uh, you know, you know where, where you been? And he said, Columbus. And I said, Columbus, why you go to Columbus? And he said, casino, which all of a sudden he ain't no casino person really. And then I look out the window and asked him, where's your car at? He said, it is in Columbus. I said, well, you done rented a car. He got a black Toyota look like, uh, uh, a little, I can't get the name of it now black. It's parked out here, uh, in front of the house. And I said, you rented that car? And he said, yeah. I said, well, where's your car in Columbus? He said, and I said, you rented that car you rented with my credit card huh? He said, yeah. So, I stopped, talking, went in back, went in the bedroom, put on my well pajamas and while I was in there doing that, uh, I heard the door shut. I got pajamas come out and he was driving. I had my car blocked in the driveway with my van. So, but he's able to back up and cut across the yard" [02:23].

The dispatcher stated that he would get police out there as soon as possible.

Video Recordings

body-worn camera

The video began at 09:07:15. At 09:07:35, [REDACTED] began to drive his cruiser. No sound could be heard until 09:07:45. At this time [REDACTED] radioed "chase. Uh, we're gonna be north on Lakeshore." At 09:07:52, radio traffic (not from [REDACTED]) could be heard saying "Shots fired, shots fired" and "Shots fired, he just took two shots at us." At 09:07:59, [REDACTED] began to radio the direction of travel of the subject vehicle and that the subject turned eastbound onto Ira. The screenshot below, taken at 09:08:03, shows the viewing angle from [REDACTED] BWC up through the time that the OOCIC video presentation began.

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[25-00022 Synchronized Presentation](#)

This presentation is 3 minutes and 56 seconds in duration. The videos are synced and play simultaneously.

At 09:08:26, [REDACTED] exited his cruiser and yelled. "Drop the fucking gun. "Get down on the fucking ground." At 09:08:31, [REDACTED] radioed, "Alright he's got a gun in his hand. "He's right in front of the house." Screenshot below was taken at 09:08:31. Note that Marcus Smith (Marcus) is not visible in the image.

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A total of three gunshots were heard at the following times 09:08:35, 09:08:36, and 09:08:38. It is believed that all three shots were fired by Marcus. The screenshot below shows the view from [REDACTED] BWC as the first shot was fired [09:08:35].



09:08:42, [REDACTED] radioed, "Alright, It's, It's a 21. He's shooting, He's gonna be taking off running." It should be noted that a 21 is the radio code for "Officer needs immediate assistance."

09:08:46, another officer radioed "He just took three more shots at us. He's on foot. Brown leather jacket, tan pants."

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At 09:09:01, [REDACTED] ran down Ira Avenue away from Marcus to the area where [REDACTED] had his cruiser parked.

09:09:20, [REDACTED] yelled, "Drop the gun buddy. Drop the gun buddy."

09:09:25, [REDACTED] fired his first shot. At 09:09:27, [REDACTED] fired a second shot. At 09:09:29, [REDACTED] fired a third shot. The screenshot below was taken from [REDACTED] BWC at the time [REDACTED] fired his first shot [09:09:25]. It should be noted that [REDACTED] BWC was not activated at this time.



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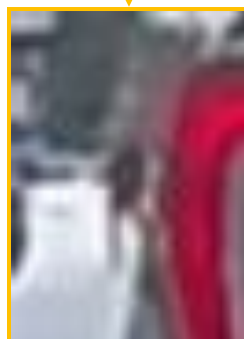


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The screenshot below was taken at the time [REDACTED] fired his third shot [09:09:29]. At this time Marcus could be seen in the distance.



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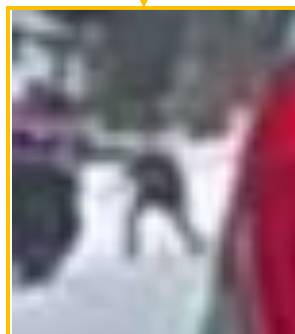


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The screenshot below was taken at 09:09:30 and showed Marcus beginning to fall to the ground.



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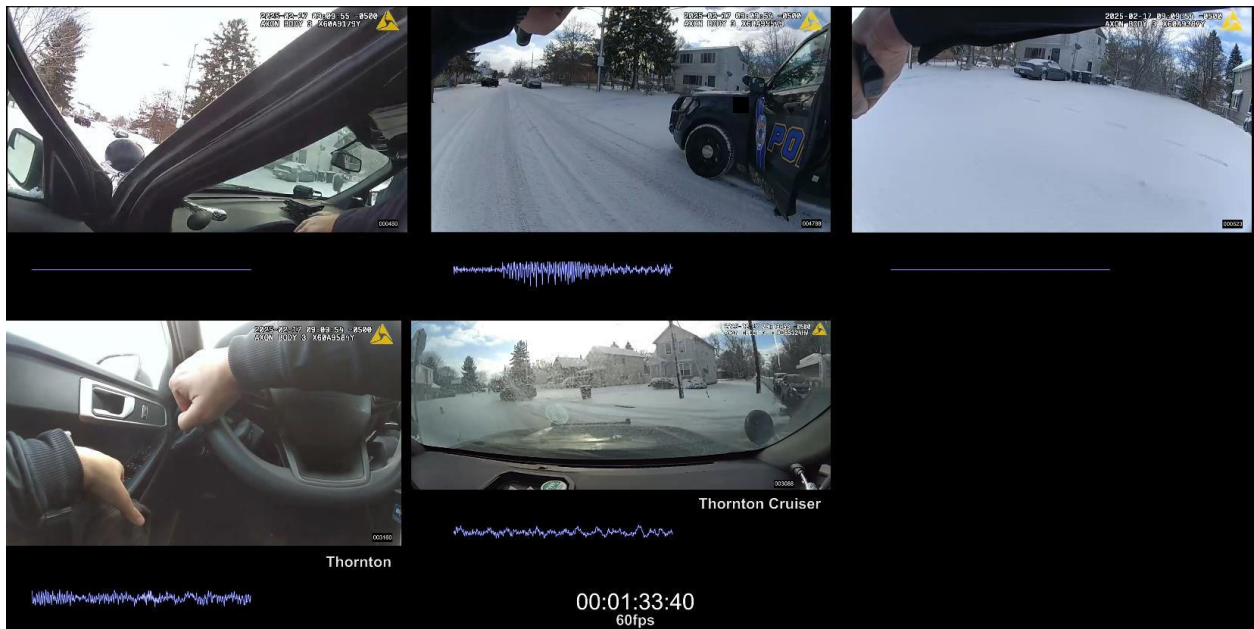


Officer-Involved Critical Incident - Officer Involved Critical Incident - 294 Ira Avenue, Akron, OH 44301, Summit County

At 09:09:36, an officer radioed that shots had been fired and that the subject was down. At 09:09:37, [REDACTED] BWC was activated. At 09:09:38, as [REDACTED] was arriving on scene, his BWC was activated. See screenshot below taken at 09:09:38.



At 09:09:54, [REDACTED] got into the driver seat of [REDACTED] cruiser. Also at this time, Thornton arrived on scene. See screenshot below.



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At 09:10:18, the officers had moved closer to Marcus. [REDACTED] and Thornton began to exit their vehicles while [REDACTED] were on foot. Screenshot below taken at 09:10:18.



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At 09:10:20, [REDACTED] said, "Watch, hey! Look up, look up." Other officers yelled "Stay down" and "Get down." The screenshot below was taken at 09:10:20 from [REDACTED] BWC.



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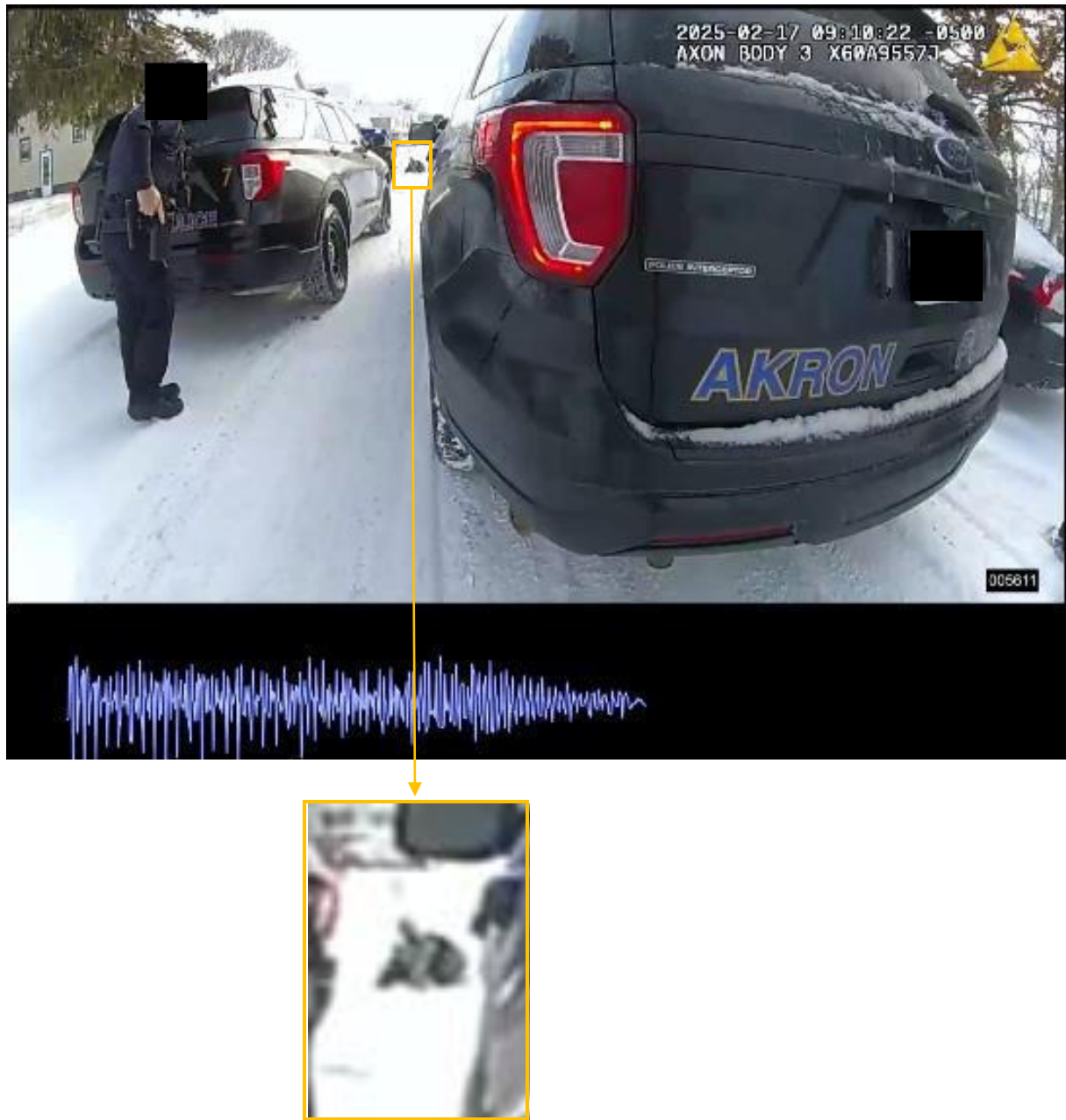


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The screenshot below was taken at 09:10:22 and appeared to show Marcus raising his upper body off of the ground.



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Gunshots are heard each second from 09:10:23 – 09:10:26, and at the following second intervals: 29, 31, 32, 35, 37, 39, 40, 42, 46.

See screenshot below taken at 09:10:23.



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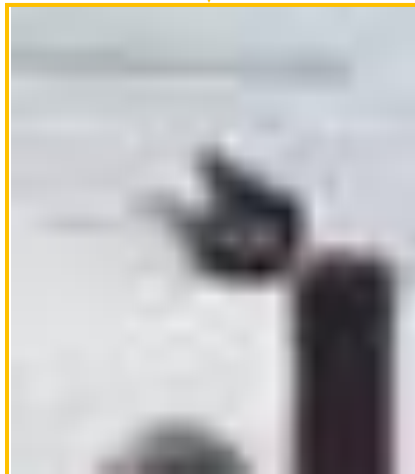


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At 09:10:27 (time counter on Ring doorbell video from 315 Ira Avenue) the video began to record.



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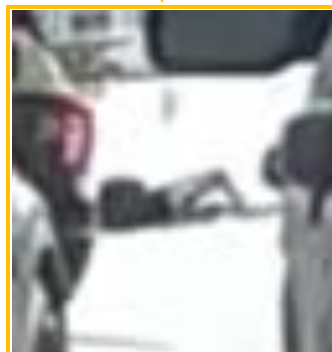
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At 09:10:28, an officer yelled, "Drop the fucking gun." Another officer yelled. "Drop the gun."

See screenshots below were taken at 09:10:30.



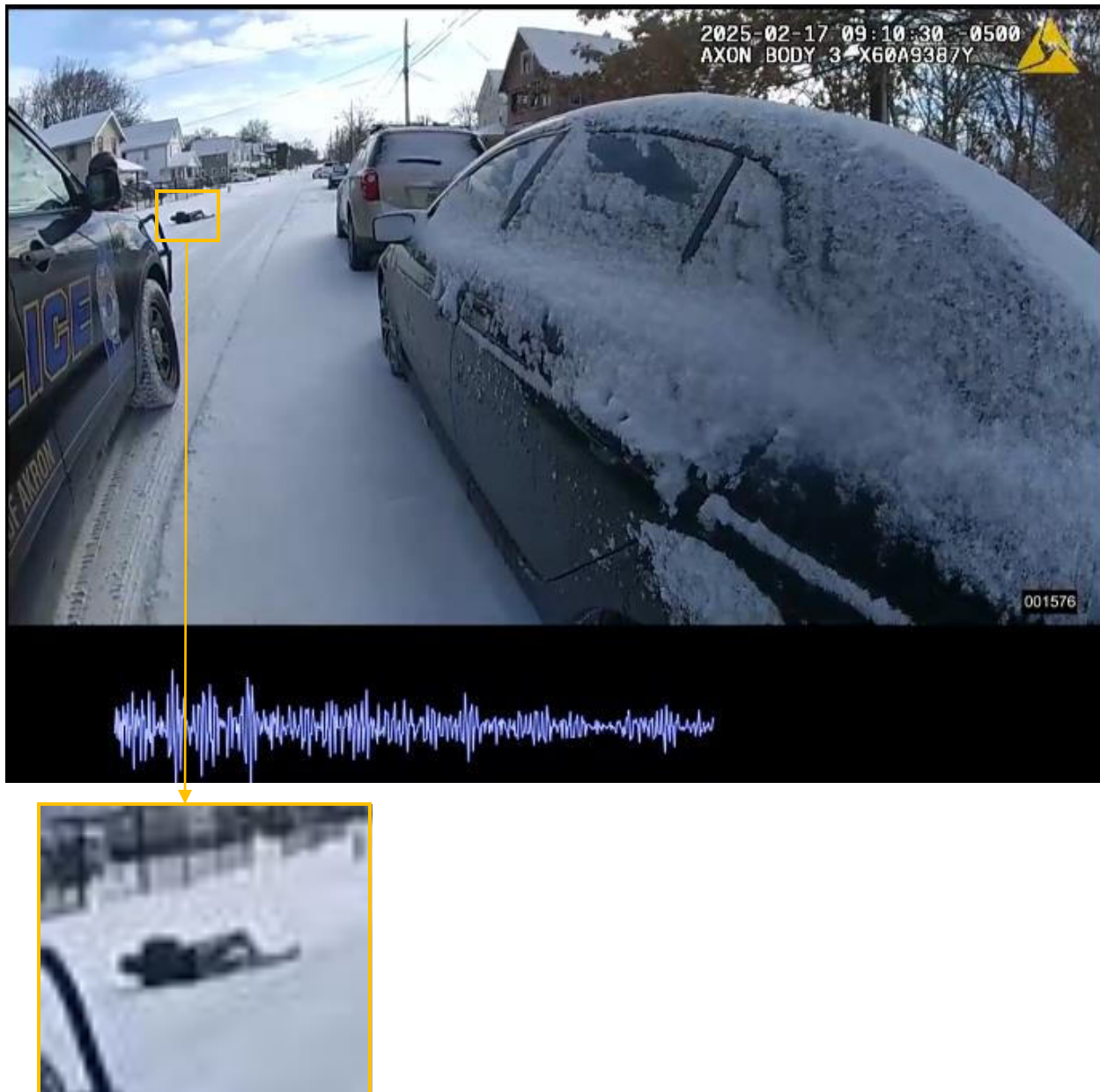
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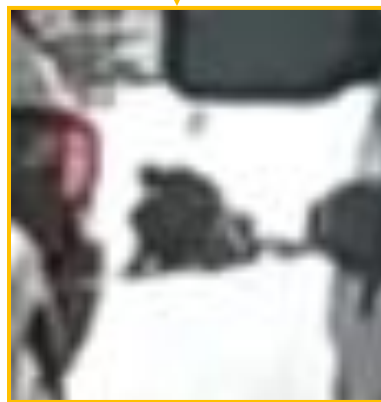
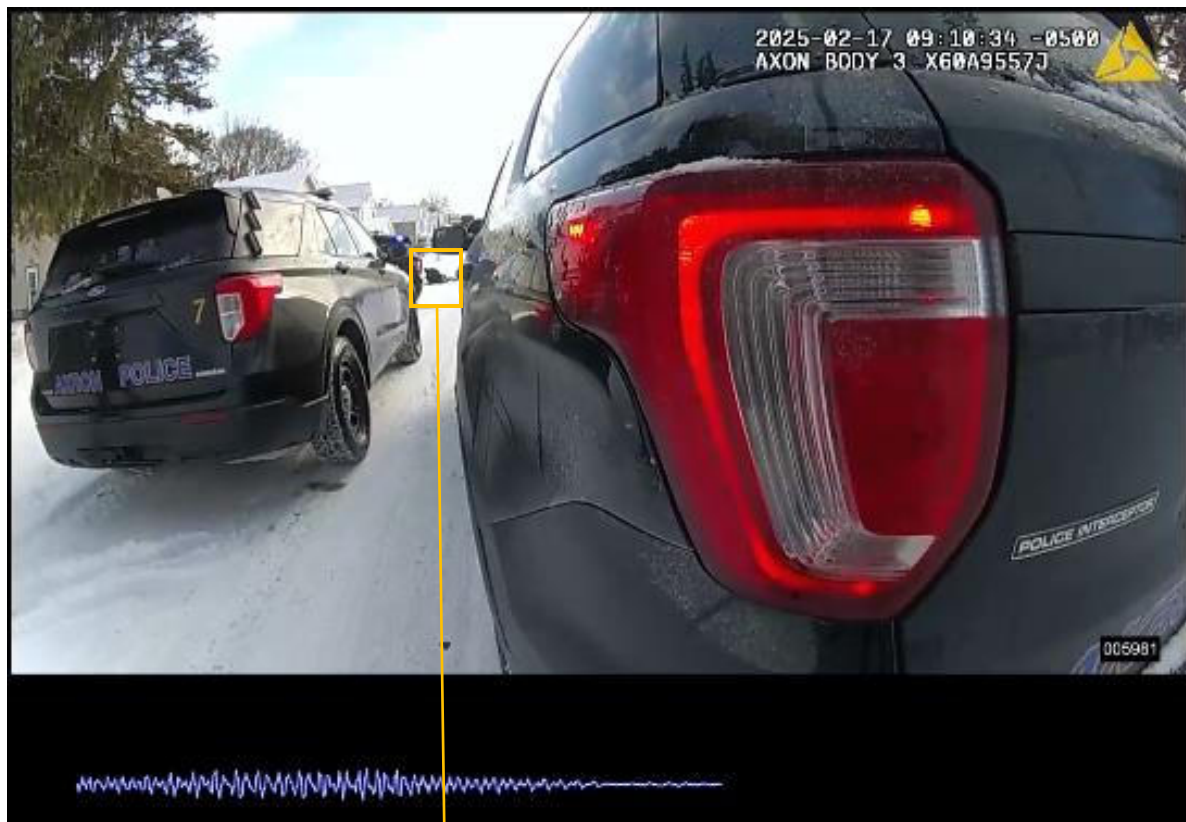


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At 09:10:34, Marcus appeared to lift his upper body off of the ground. See screenshots below.



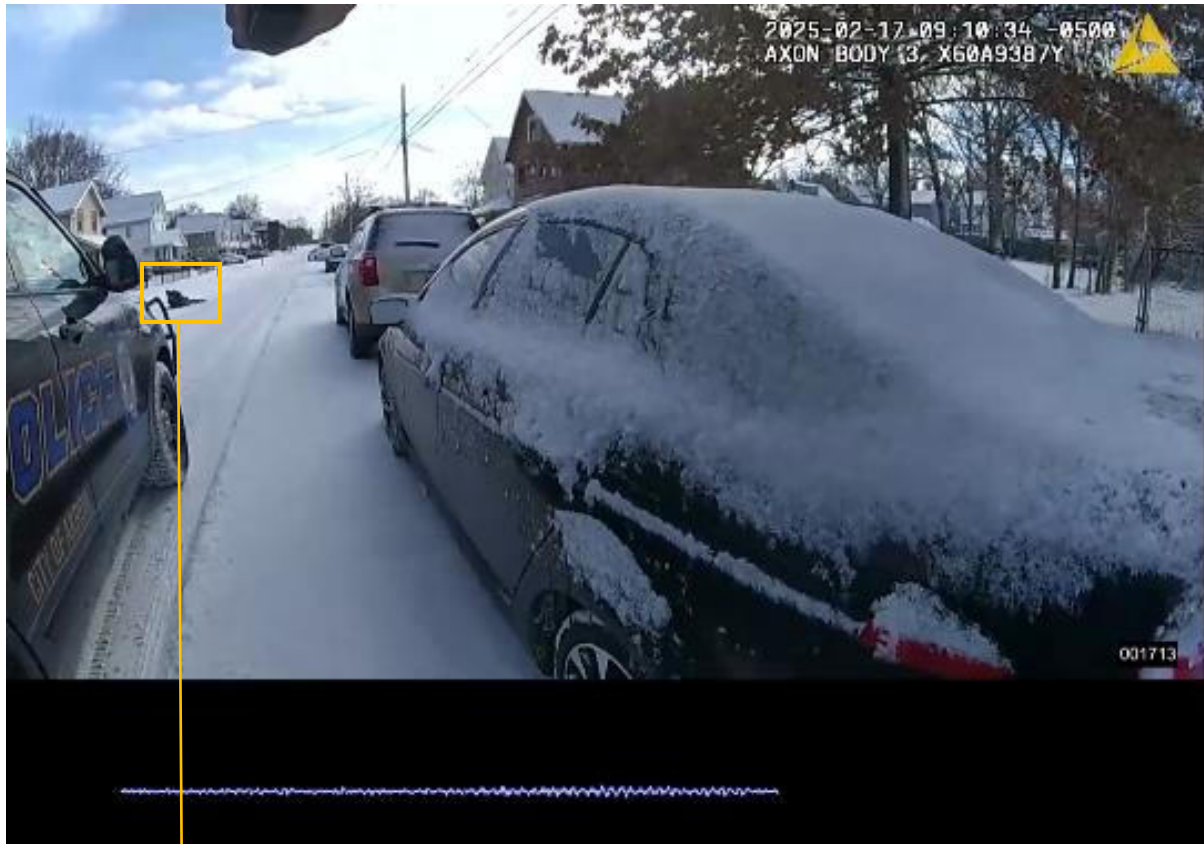
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The image below was taken at 09:10:32 (time on Ring camera). At this time the BWC timestamp was 09:10:34.



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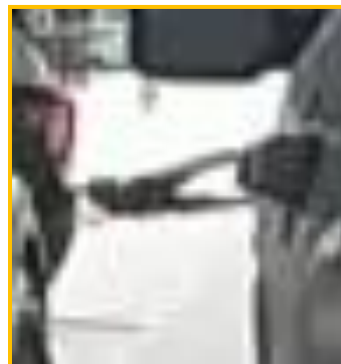
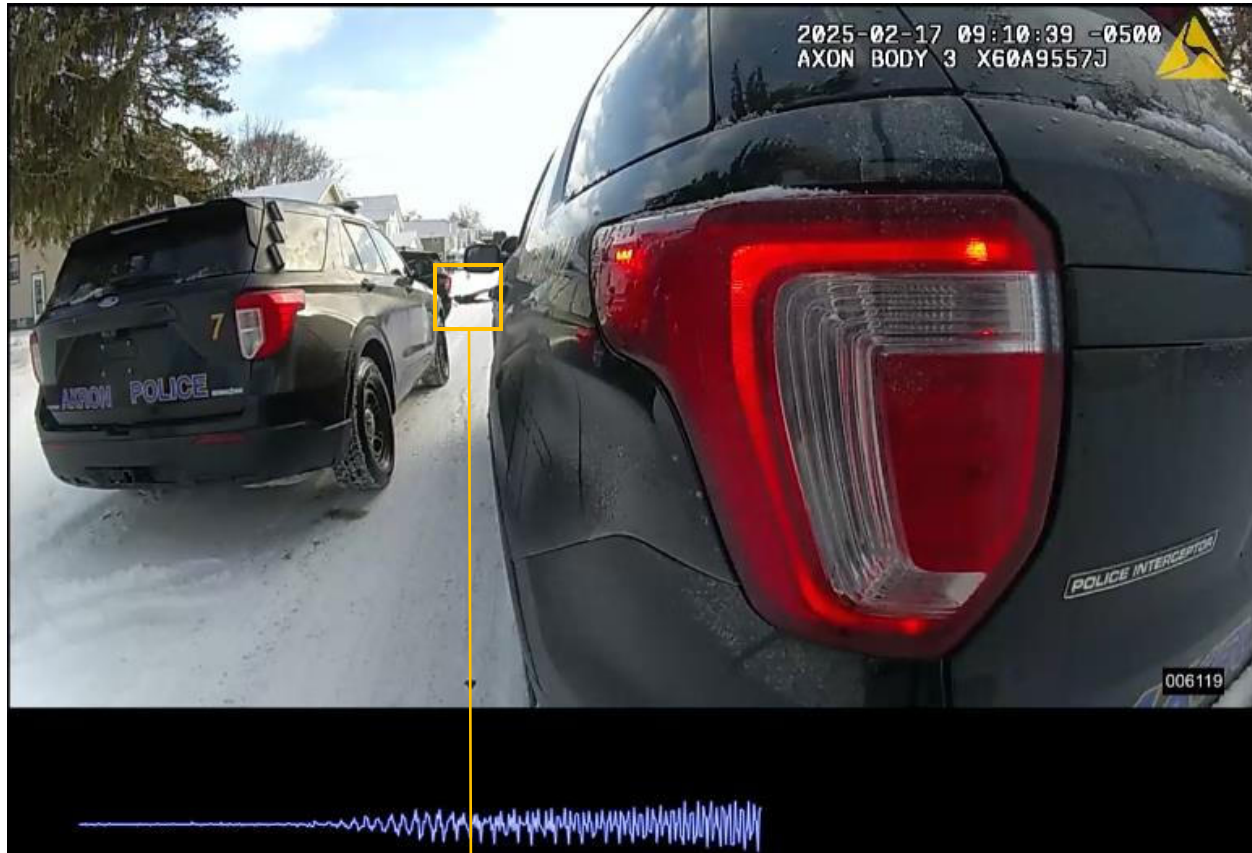


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At 09:10:37, an officer yelled, "Drop the gun." At 09:10:39, an officer yelled, "Drop the gun." See screenshots below taken at 09:10:39. Marcus can be seen on [REDACTED] and [REDACTED] BWCs as well as the Ring camera [09:10:37 on the Ring camera].



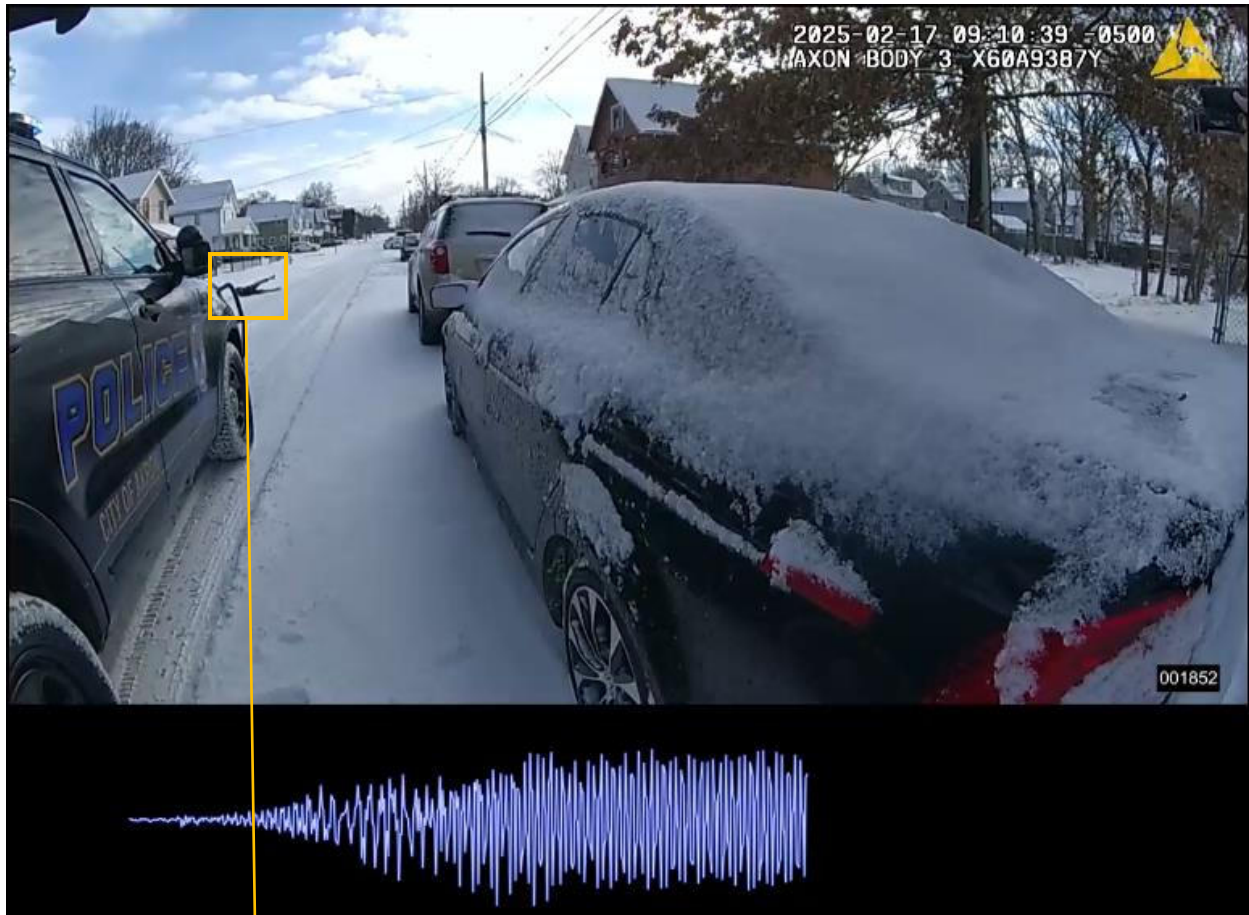
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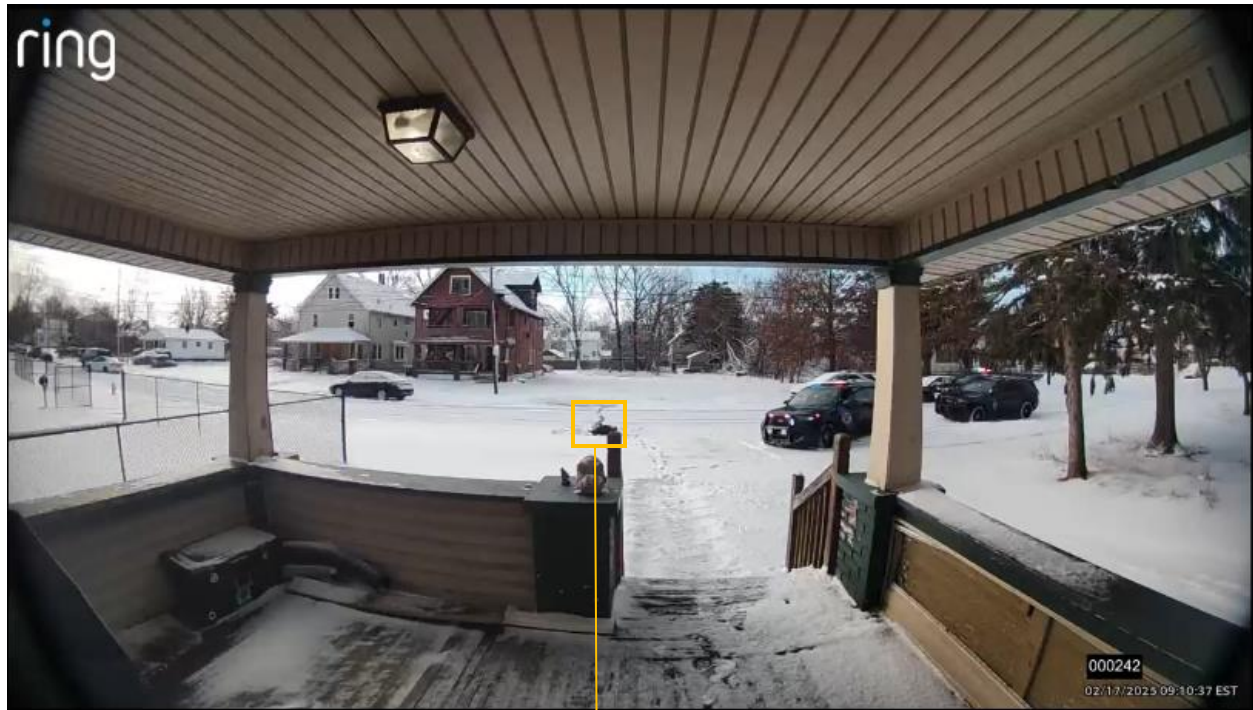
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At 09:10:40, [REDACTED] pistol appeared to recoil and smoke, consistent with the pistol being fired, appeared to discharge from the barrel. See screenshot below.



At 09:10:44, an officer yelled, "Hands, show us your hands"

At 09:10:46, an officer yelled, "Put your hands up. Put your hands up." Other officers yelled, "Hands up. Hands up." At 09:10:53, an officer yelled, "Put your fucking hands up." Other officers also yelled commands to Marcus. At 09:10:56, an officer yelled, "drop the gun."

The last shot appeared to be fired by [REDACTED] at 09:10:46. Marcus can be seen on [REDACTED] BWC as well as the Ring camera at that time. Screenshots from both cameras are below.

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At 09:10:53, [REDACTED] yelled, "He still has the fucking gun. Still in his hand."

At 09:11:01, [REDACTED] radioed, "Start EMS. He's still moving. Still armed. Start EMS. Somebody with a shield."

At 09:11:07, [REDACTED] yelled, "Watch your left hand, still looks like a gun's in his left hand." At 09:11:11, [REDACTED] yelled, "Drop the fucking gun." At 09:11:24, [REDACTED] yelled

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for a person to back up and to get back in their home. At 09:11:32, [REDACTED] yelled, "Yeah, he just shot at us. Get back inside." At 09:11:49, officers began to approach Marcus.

Body-worn camera video post-shooting

[REDACTED] body-worn camera

[REDACTED] BWC showed that at 09:12:17, an officer said, "Where's the gun?" Another officer responded, "Right there." As [REDACTED] moved closer to the firearm, an officer said, "Leave it, leave it, leave it." [REDACTED] responded, "Well I just, okay. Just drag him away from it. Drag him away from it" [09:12:20]. The screenshot below shows the location of the handgun.



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body-worn camera

showed that as walked closer, an officer pointed toward a
firearm lying on the ground. An officer said, "Leave it, leave it." The screenshot below,
taken at 09:12:19, shows the officer pointing at the firearm.



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The screenshot below taken at 09:12:21 from [REDACTED] BWC shows the location of the firearm.



Several officers began to provide medical treatment to Marcus.

At approximately 09:14:47, an ambulance could be seen driving on Ira Avenue.

Conclusion

APD officers were dispatched to a call alleging that Marcus Smith took his father John Smith's car without permission. Officers also learned that Marcus may have been involved in stealing a vehicle in Columbus, OH earlier that day. As officers responded to the area, John's vehicle was spotted failing to stop at 2 traffic lights. A vehicle pursuit was initiated. During the pursuit, Marcus fired 2 shots from a revolver. Marcus

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drove to Ira Avenue where he exited his vehicle. Upon exiting his vehicle [REDACTED] yelled for Marcus to drop the gun and to get on the ground. Marcus fired 3 shots at this time. [REDACTED] ran back on Ira Avenue thereby creating distance from Marcus. [REDACTED] yelled for Marcus to drop the gun. [REDACTED] then fired 3 shots, likely striking Marcus and causing him to fall to the ground.

[REDACTED] and Thornton arrived on scene. The officers then moved toward Marcus. Once near Marcus, officers yelled for Marcus to stay down and get down. Video showed that Marcus appeared to be raising his upper body off of the ground.

Over the course of 23 seconds multiple verbal commands were given by officers. During that time frame [REDACTED] fired 10 shots, [REDACTED] fired 3 [REDACTED] previously fired 3, his incident total was 6), and [REDACTED] fired 1. Officers radioed for EMS. Prior to EMS arrival officers approached Marcus and observed a Colt revolver, .38 Special caliber, containing 5 fired cartridge casings and 1 unfired cartridge located on the ground next to him. Officers moved Marcus away from the firearm and began to provide aid. Ultimately, Marcus died as a result of the injuries he sustained.

Contact Information

The preceding information comprises only a portion of facts and circumstances collected during the investigation of the officer-involved critical incident. For further review of specific information or documentation collected during the investigation, please refer to the individual reports and documents from which this summary was derived. Any questions regarding the content or context of the information contained in this document can be directed to the attention of Special Agent Jon Lieber. SA Lieber can be reached via email at Jonathan.Lieber@OhioAGO.gov.