



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



2022-2016

Officer-Involved Critical Incident - 5611 East Third Street, Mineral City,
OH, Tuscarawas County, Ohio 44656

Investigative Activity: Prior LE Contact and CCH Review

Involves: Everett Martin

Activity Date: 11/14/2022

Authoring Agent: Special Agent Joseph Goudy #83

Narrative:

On Friday, September 30, 2022, Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) Joseph Goudy (Goudy) compiled background information on Everett Martin (Martin), a subject involved in the incident on September 28, 2022. The information included researching past police reports involving the subject, searching criminal history records, court records, open/closed-source database inquiries and social media posts. The information gathered was obtained from the BCI Criminal Intelligence Unit and the Tuscarawas County Sheriff's Office (TCSO).

SA Goudy reviewed the information and noted the following:

Prior Police Encounters:

(Tuscarawas County Sheriff's Office – Report #P22-01338)

On September 18, 2022, at 0111 hours, TCSO deputies responded to a call of threats being made to Courtney Digenova (Digenova) in Sandy Township. According to the report, Digenova's former "live-in partner of 15+ years" made threats to "kill her and assault her." The "live-in partner" they are referring to is Martin. Digenova stated she kicked Martin out on September 8, 2022, and would stay with her current boyfriend, Kirby Vanfossen (Vanfossen), at his residence, while Martin was moving his belongings out of their house, located at 5611 East Third Street, in Mineral City, to avoid seeing him.

According to the report, responding deputies saw the text messages and heard the voicemails sent to Digenova by Martin. The deputies indicated the messages were threats toward Digenova and Vanfossen. At that point, the deputies responded to 5611 East Third Street and encountered an intoxicated Martin. Martin was subsequently arrested for Domestic Violence and Aggravated Menacing.

This incident was the direct result of Martin receiving a Temporary Protection Order filed against him.



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Computerized Criminal History (CCH) and/or Court Records:

[REDACTED]

Database Searches:

[REDACTED]

There is a total of 10 convictions on Martin's record. The above listed convictions are only listed pertaining to the relevancy of this investigation.

The documents received relative to Everett Martin are attached to this report for further review, except for any prohibited LEADS/CCH reports, which were disposed of according to applicable policies and procedures.



TUSCARAWAS COUNTY SHERIFF'S OFFICE

2295 REISER AVENUE, S.E. * NEW PHILADELPHIA, OHIO 44663
PHONE: (330) 339-2000 * FAX: (330) 339-4432

Case P22-01338

Printed on November 14, 2022

Status	Approved
Report Type	Patrol
Primary Officer	Cody Morrison
Investigator	None
Reported At	09/18/22 01:04
Incident Date	09/18/22 01:04
Incident Code	DOMESTIC DIS - 20 : DOMESTIC DISPUTE
Location	5611 E 3RD ST, MINERAL CITY, OH 44656
Zone	4 Sandy Township
Beat	North
Court	None
Ereferral County	None
Disposition	Arrest - Adult (Closed)
Disposition Date/Time	09/18/22 04:01
Disposition Comments	I responded to the threats complaint at 11406 Ridge Ave. in Sandy Township. Deputies confirmed the serious threats of harm that were made to the caller Courtney DiGenova (11/28/74). We then responded to 5611 3rd Street, Sandy Township, where Everett M. Martin (3/21/1979) was arrested on domestic violence and aggravated menacing. Full report to follow.
Review for Gang Activity	Not Applicable

Offense Information

Offense	Aggravated Menacing
Statute	2903.21
NIBRS Code	13C - Intimidation
Counts	1
Include In NIBRS	Yes
Completed	Yes
Details	Offender(s) Used Alcohol
Bias Motivation	No Bias/Not Applicable
Location	Single Family Home
Entry Forced	No
Forces Used	None

Offense	Domestic Violence _ cause belief of imminent physical harm by threat or force
Statute	2919.25C
NIBRS Code	13C - Intimidation
Counts	1
Include In NIBRS	Yes
Completed	Yes
Details	Offender(s) Used Alcohol
Bias Motivation	No Bias/Not Applicable
Location	Single Family Home
Entry Forced	No
Forces Used	None

Arrestee

MARTIN, EVERETT MICHAEL

Male, DOB 3/21/79
5611 3RD ST
MINERAL CITY, OH 44656

[REDACTED] Home

5' 8", 220lbs
Brown eyes, Black hair

SSN: [REDACTED]
SSN: [REDACTED]

OLN: OH [REDACTED] Exp 2025

2919.25C - Domestic Violence _ cause belief of imminent
physical harm by threat or force
2903.21 - Aggravated Menacing

Offender

MARTIN, EVERETT MICHAEL

Male, DOB 3/21/79
5611 3RD ST
MINERAL CITY, OH 44656

[REDACTED] Home

5' 8", 220lbs
Brown eyes, Black hair

SSN: [REDACTED]
SSN: [REDACTED]

OLN: OH [REDACTED] Exp 2025

2919.25C - Domestic Violence _ cause belief of imminent
physical harm by threat or force
2903.21 - Aggravated Menacing

Victim

DIGENOVA, COURTNEY D

Female, DOB 11/28/74
5611 E 3RD ST
MINERAL CITY, OH 44656

[REDACTED] Cell

5' 2", 125lbs
Brown eyes, Brown hair

SSN: [REDACTED]
OLN: OH [REDACTED] Exp 2023

2919.25C - Domestic Violence _ cause belief of imminent
physical harm by threat or force
2903.21 - Aggravated Menacing

Witness

DIGENOVA, COURTNEY D

Female, DOB 11/28/74
5611 E 3RD ST
MINERAL CITY, OH 44656

[REDACTED] Cell

5' 2", 125lbs
Brown eyes, Brown hair

SSN: [REDACTED]
OLN: OH [REDACTED] Exp 2023

2919.25C - Domestic Violence _ cause belief of imminent
physical harm by threat or force

VANFOSSEN, KIRBY PAUL

Male, DOB 12/4/78

2919.25C - Domestic Violence _ cause belief of imminent physical harm by threat or force

11406 RIDGE AVE SE
EAST SPARTA, OH 44626

2903.21 - Aggravated Menacing

[REDACTED] Cell

6' 1", 212lbs
Blue eyes, Blond or Strawberry hair
Complexion: Fair
Race: White

SSN: [REDACTED]

SSN: [REDACTED]

FBI #: [REDACTED]

OLN: OH [REDACTED] Exp 2023

Jail ID: 970911

BCI #: [REDACTED]

Case Forms

 Arrest Form 9/18/22 for MARTIN, EVERETT MICHAEL, 2903.21, 2919.25C
 Domestic Violence Incident (DVI) 9/18/22
 Initial Narrative 9/18/22 by Cody Morrison
 Attached Document 9/18/22 - P22-01338 Charges
 Attached Document 9/18/22 - P22-01338 Courtney Digenova Statement
 Attached Document 9/18/22 - P22-01338 Jail Intake Sheet
 Attached Document 9/18/22 - P22-01338 Kirby Vanfossen Statement
 Attached Document 9/18/22 - P22-01338 Marsy's Law
 Attached Document 9/18/22 - P22-01338 DV Packet
 Attached Scan 9/18/22 - Prior convictions
 Redacted Document(s) 9/19/22 - Case P22-01338-Redacted
 Victim Form for DIGENOVA, COURTNEY D
Property / Evidence

Item #	Category	Type	Status	Location	Description
P22-01338-001		Digital	In Digital Files		Digital Photo - IMG_3991
P22-01338-002		Digital	In Digital Files		Digital Photo - IMG_3992
P22-01338-003		Digital	In Digital Files		Digital Photo - IMG_3993
P22-01338-004		Digital	In Digital Files		Digital Photo - IMG_3994
P22-01338-005		Digital	In Digital Files		Digital Photo - IMG_3995
P22-01338-006		Digital	In Digital Files		Digital Photo - IMG_3996
P22-01338-007		Digital	In Digital Files		Digital Photo - IMG_3997
P22-01338-008		Digital	In Digital Files		Audio - voicemail P22-01338



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2295 REISER AVENUE, S.E. ★ NEW PHILADELPHIA, OHIO 44663
PHONE: (330) 339-2000 ★ FAX: (330) 339-4432

Initial Narrative

Printed on November 14, 2022

Initial Report By Cody Morrison

Case #P22-01338

Typed By Cody Morrison

On 9/18/22 at 1:11 AM central dispatch received a call of a threats complaint in Sandy Township. I spoke with caller while I was at our office. The caller, Courtney Digenova (11/28/1974), stated she kicked her live in partner of 15+ years out on September 8th. She had since not been home at the same time as him to allow him to clean out his stuff and move out. He was later identified as Everett M. Martin (03/21/1979). She said he had been making threats to kill her and assault her. This had been an ongoing issue since the 8th. I then told Courtney I would be responding to her to verify the threats at the temporary residence she was staying. Courtney also denied that any recent assaults took place; however, stated that there had been unreported incidents.

Sgt. Patrick and I then responded to 11406 Ridge Ave. in Sandy Township to Kirby Vanfossen's (12/04/1978) residence where Courtney was staying. Kirby stated he had witnessed all the calls and texts from Everett from the evening of 09/17/22, and it had been ongoing throughout the night. Courtney showed us the texts and voice mails left by Everett. The text messages stated threats to kill and harm both Courtney and Kirby. Courtney had been in fear for her life or to even return home. Courtney then showed us a picture of Everett to give us a description of him.

Sgt. Patrick and I responded to 5611 East 3rd street in Sandy Township to meet Everett. Everett greeted us at the door and did acknowledge us as to who he was. He spoke with us and it was apparent he was extremely intoxicated by his slurred speech, glossy and bloodshot eyes. Everett did deny to us everything that occurred, even when I presented him with evidence. I then had him turn around to be placed under arrest. Due to his size and reported shoulder injuries I handcuffed him in the front. His handcuffs were properly spaced and double locked for his safety. He was then transported to the Tuscarawas County Justice Center without incident by Sgt. Patrick.

I then responded back to Courtney's temporary residence where I gathered statements from her and Kirby, as well as filled out a domestic violence packet, and gave Courtney her victim's rights packet. Everett was served 2 summonses after arrest for 2919.25(C) Domestic Violence and 2903.21 Aggravated Menacing.

A CCH was ran on Everett which showed 2 prior convictions of domestic violence one was for 2919.25(C) and the other for 2919.25(A). For this reason it is believed that this charge will be escalated to an M1.

This matter came before the Court on _____ for an *Ex parte* CRPO

CRPO hearing on Alleged Victim's Motion for a Criminal Protection Order. The Court finds that the Motion of the Alleged Victim for a Criminal Protection Order is well-taken. The Court finds that the safety and protection of the Alleged Victim and protected persons named in this Order may be impaired unless the Court acts. The following orders are designed to ensure the safety and protection of the protected persons named in this Order and are issued to the Defendant as pretrial conditions, in addition to any bail under Crim.R. 46.

The Court also finds:

Defendant consented to the order

Additional findings on a separate page are included and attached herein.

DEFENDANT SHALL NOT ABUSE, harm, attempt to harm, threaten, follow, stalk, harass, force sexual relations upon, or commit sexually oriented offenses against the protected persons named in this Order. [NCIC 01 and 02]

ALL OF THE PROVISIONS CHECKED BELOW ALSO APPLY TO DEFENDANT

- 1. DEFENDANT SHALL NOT ENTER the residence, school, business, place of employment, day care centers, or child care providers of the protected persons named in this Order, including the buildings, grounds, and parking lots at those locations. Defendant may not violate this Order **even with the permission of a protected person.** [NCIC 04]
- 2. DEFENDANT SHALL NOT INTERFERE with the protected persons' right to occupy any residence by canceling utilities or insurance or interrupting telephone service, mail delivery, or the delivery of any other documents or items. [NCIC 03]
- 3. DEFENDANT SHALL SURRENDER all keys and garage door openers to the following residence

5611 3rd St. NE
Mineral City, Ohio

at the earliest possible opportunity after service of this Order to the law enforcement agency that serves the Defendant with this Order or as follows:

TUSC. CO. SHERIFF

- 4. DEFENDANT SHALL STAY AWAY FROM THE PROTECTED PERSONS NAMED IN THIS ORDER, and shall not be present within 500 feet or _____ (distance) of any protected persons wherever those protected persons may be found, or any place the Defendant knows or should know the protected persons are likely to be, **even with the protected persons' permission.** If Defendant accidentally comes in contact with protected persons in any public or private place, Defendant must depart *immediately*. This Order includes encounters on public and private roads, highways, and thoroughfares. [NCIC 04]

5. DEFENDANT SHALL NOT REMOVE, DAMAGE, HIDE, OR DISPOSE OF ANY PROPERTY, COMPANION ANIMALS, OR PETS owned or possessed by the protected persons named in this Order.

6. THE ALLEGED VICTIM IS AUTHORIZED TO REMOVE THE FOLLOWING COMPANION ANIMALS OR PETS owned by Alleged Victim from the possession of the Defendant:

Exchange of the listed companion animals or pets shall take place as follows:

7. DEFENDANT SHALL NOT INITIATE OR HAVE ANY CONTACT with the protected persons named in this Order at their residences, businesses, places of employment, schools, day care centers, or child care providers. Contact includes, but is not limited to, landline, cordless, cellular or digital telephone; text; instant messaging; fax; e-mail; voicemail; delivery service; social media; blogging; writings; electronic communications; posting a message; or communications by any other means directly or through another person. Defendant may not violate this Order even with the permission of a protected person. [NCIC 05]

8. DEFENDANT SHALL NOT use any form of electronic surveillance on protected persons.

9. DEFENDANT SHALL NOT CAUSE OR ENCOURAGE ANY PERSON to do any act prohibited by this Order.

10. DEFENDANT SHALL NOT POSSESS, USE, CARRY, OR OBTAIN ANY DEADLY WEAPON at any time while the Order remains in effect for the safety and protection of the protected persons named in this Order. Furthermore, Defendant may be subject to firearms and ammunition restrictions pursuant to 18 U.S.C. 922(g)(1) through (9), 18 U.S.C. 922(n), or R.C. 2923.13. [NCIC 07]

DEFENDANT IS EXCEPTED only for official use pursuant to 18 U.S.C. 925(a)(1), if no other firearms and ammunition prohibitions apply.

11. DEFENDANT SHALL TURN OVER ALL DEADLY WEAPONS owned by Defendant or in Defendant's possession to the law enforcement agency that serves Defendant with this Order no later than 9/19/22 or as follows:

TO THE TUSC. SHERIFF OFFICE

Any law enforcement agency is authorized to accept possession of deadly weapons pursuant to this paragraph and hold them in protective custody for the duration of this Order. [NCIC 07]

Law enforcement shall immediately notify the Court upon receiving Defendant's deadly weapons for protective custody as set forth in this Order.

Upon the expiration or termination of this Order and if a civil protection order has not been issued arising out of the same activities as those that were the basis of the complaint filed in this action, Defendant may reclaim any deadly weapons held in protective custody by law enforcement pursuant to this Order unless Defendant is otherwise disqualified as verified by a check of the NCIC protection order file.

12. DEFENDANT'S CONCEALED CARRY WEAPON LICENSE, if any, is now subject to R.C. 2923.128.

13. DEFENDANT SHALL NOT USE OR POSSESS alcohol or illegal drugs.

14. IT IS FURTHER ORDERED: [NCIC 08]

Defendant may go back to the residence one time with the Sheriff Dept. within 72 hours to get his personal belongings.

15. IT IS FURTHER ORDERED a copy of this Order shall be delivered to the Defendant on the same day that the Order is entered.

16. THIS ORDER IS EFFECTIVE until the occurrence of one of the following: (1) it is modified by this Court; or (2) the criminal proceeding arising out of the complaint upon which these orders were issued is disposed by this Court or by the court of common pleas to which the Defendant is bound over for prosecution; or (3) a court issues a Civil Stalking Protection Order (CSPO) or Civil Sexually Oriented Offense Protection Order (CSOOPO) arising out of the same activities as those that were the basis of the complaint filed in this action pursuant to R.C. 2903.213(B).

IT IS SO ORDERED.

_____ MAGISTRATE	_____ DATE	_____ JUDGE	_____ DATE
<i>[Signature]</i>	<i>EX PARTE</i>		<i>EX PARTE</i>
	<i>CRPO</i>		<i>CRPO</i>
	<i>9/19/22</i>		
_____ MAGISTRATE	_____ DATE CRPO	_____ JUDGE	_____ DATE CRPO

NOTICE TO DEFENDANT

NO PERSON PROTECTED BY THIS ORDER CAN GIVE YOU LEGAL PERMISSION TO CHANGE OR VIOLATE THE TERMS OF THIS ORDER. IF YOU VIOLATE ANY TERMS OF THIS ORDER, EVEN WITH THE PROTECTED PERSON'S PERMISSION, YOU MAY BE ARRESTED. ONLY THE COURT CAN CHANGE THIS ORDER. YOU ACT AT YOUR OWN RISK IF YOU DISREGARD THIS WARNING.

NOTES: By its own definitions [see R.C. 2903.213(A)], this statute does not apply to a complaint that involves a person who is a family or household member. In those cases where the Alleged Victim is a family or household Member of the Defendant, use the Domestic Violence Temporary Protection Order ("DVTPO") form and procedures under R.C. 2919.26, and/or Domestic Violence Civil Protection Order ("DVCPO") forms and procedures under R.C. 3113.31.

A HEARING on this Order shall be held before
 Judge/Magistrate _____
 on _____ / _____ / _____
 at _____ a.m. p.m.,
 at the following location:

TO THE CLERK:
 A COPY OF THIS ORDER SHALL BE SERVED ON
 DEFENDANT (by personal service).
 COPIES OF THIS ORDER SHALL BE DELIVERED TO:

Prosecutor
 Alleged Victim
 Defendant's Attorney /Public Defender
 Law Enforcement Agency Where Alleged Victim Resides:

 Law Enforcement Agency to collect deadly weapons:
TUSC. Co. SHF
 Sheriff's Office / Police Department:

 Other: _____
 Law Enforcement Agency to enter into LEADS: SHF

Service acknowledged:

[Signature]
 DEFENDANT

9/19/22
 DATE

WAIVER OF HEARING

I HAVE BEEN ADVISED OF MY RIGHT TO A HEARING ON THE MOTION FOR A CRIMINAL PROTECTION ORDER AND HEREBY KNOWINGLY AND VOLUNTARILY WAIVE THE HEARING ON THE MOTION AND AGREE TO BE BOUND BY THE TERMS OF THIS ORDER.

 DEFENDANT

 DATE