



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



2024-1218

Officer Involved Critical Incident – 1822 Sherrick Road SE,
Canton, OH 44707

Investigative Activity: Information Provided/Obtained, Interview with Witness
Involves: Ralph Conrad Mosteller, Jr. (W), Devan Lynn Mosteller (W)
Date of Activity: 04/19/2024
Activity Location: Amvets #124 – 1822 Sherrick Road SE, Canton, OH 44707
Author: SA Charles H. Snyder, #90

Background:

On Friday, April 19, 2024, the Ohio Attorney General's Bureau of Criminal Investigation (BCI) was requested by Stark County Sheriff's Office (SCSO) to investigate an in-custody death of Frank Eugene Tyson, involving officers of the Canton Police Department (CPD). This incident occurred on Thursday, April 18, 2024, at Ohio Amvet Post 124 (Amvet), located at 1822 Sherrick Road, SE, Canton (Stark County), Ohio 44707. Special Agent Charlie Snyder (Snyder) was assigned to assist in this investigation.

Action Taken:

On Friday, April 19, 2024, at 1409 hours, Snyder initiated and conducted an in-person, audibly recorded interview with Ralph Conrad Mosteller (Ralph), and his spouse Devan Lynn Mosteller (Devan). This interview was conducted inside the Ohio Amvet Post 124 (Amvet) location. The Mostellers provided the following information during that interview.

Ralph and Devan were asked for and provided their personal identification information as well as contact information and agreed to participate in this interview.

Ralph said that Devan initially noticed there was an issue while they sat at electronic machines in the rear room at Amvet. They observed the subject (Frank Eugene Tyson), described as a black male, 5'9-10" in height, large stomach, and arms, possibly in his mid-50's, wearing black tennis-style shoes, black-colored shorts and a possible white shirt and black ball cap. The subject was loud and seemed to be in some type of distress. Ralph indicated that initially he did not pay much attention, because the subject at that point was not being "real erratic".

Ralph said that Amvet employees were telling the subject he had to leave, and he asked them to call "9-1-1" and said someone was trying to kill him. Devan added the subject repeatedly said, "Call 9-1-1, they're trying to kill me". They indicated the subject was not with anyone else at that time and was not known to be a member of Amvet.

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Ralph advised us that the subject, then went into the back room, making his way to a chair. Ralph was then alerted by Devan to look at the subject. When Ralph looked, he observed that the subject reached into his pocket, pulled out his wallet and something else. The subject, according to Ralph, then put something into his shoe, got up and started heading towards the front area of the Amvet. The subject continued saying, "Call 9-1-1, someone is trying to kill me."

At this point, Ralph said that he stood up and followed the subject at a distance, toward the front door of the Amvet. Ralph said that he was concerned about the safety of some of the older customers at the Amvets. Ralph also said he heard "Shannon" (Gallagher) telling the subject, "You don't belong here, we've already called the cops..."

According to Ralph, when the subject then made it to the front bar area, he sat across from the entry door. Ralph said that he was standing at the bar's edge, near the corner. Ralph indicated the subject continued yelling, "...they're going to kill me - they're going to kill me..."

Ralph advised observing a van outside the door near the entrance. He learned from Shannon (Gallagher) that the van belonged to a neighbor identified as "James (last name unknown)", who often comes to Amvet to pick-up take-out food. Ralph spoke to another person in the bar, then went outside to speak with James at that point.

Note: From other subsequent interviews, the subject who went out to speak to "James" was Anthony David "Tony" Caknic.

Ralph advised that when this person returned to the bar, he told the subject that there was no one out there, and he needed to leave. According to Ralph, they were at this time arguing back and forth.

According to Ralph, he described the Amvet as, "... a pretty full house..." at that time. Ralph and Devan indicated, believing there may have been thirty or more customers inside the Amvet.

Ralph reports he then noticed two CPD officers coming to the front door of the Amvets. The officers told the subject he needed to come along with them, at which time the subject began fighting with the officers. Ralph indicated bar stools began flying and people were getting knocked down. He observed one officer on each side of the subject, trying to gain control over him. The subject continued to fight against the officers and, in his effort to get away from the officers, knocked over tables and people.

Ralph said that at no time did he observe the officers striking or hitting the subject, and they only appeared to be grabbing him. Devan and Ralph both indicated they did not observe deployment of any weapons or batons during this time either. They indicated that they did not observe any use of force that they felt was excessive or unwarranted in the circumstances and indicated it appeared the officers just wanted to remove the subject from the Amvet. Ralph added the officers were pleading with the subject to cooperate and leave the premises.

Devan said that she did not see the subject drinking anything or having obtained anything from inside the bar. The Mosteller's both indicated that the subject was acting strange as soon

as he had entered the Amvet.

Ralph said that the CPD personnel eventually were able to get handcuffs on the subject and prepared to take the subject through the side door and into the parking lot. CPD personnel placed the subject face-down and on his stomach with his lower legs/ankles crossed and hands cuffed behind his back. According to Ralph, the subject continued to struggle with the officers for some time, then suddenly stopped. After a short period of time, the subject appeared to be unconscious and unresponsive. According to Ralph, the CPD officers must have realized there was an issue with the subject. He then turned the subject's head to the side and began doing a "knuckle rub" on the subject's chest but got no response.

Ralph had not observed anything placed over the subject's mouth, face, or nose, prior to this.

A short time after this, Ralph believes the SCSO personnel arrived at the scene and entered. They started CPR and gave the subject multiple Narcan applications but received no response.

Ralph and Devan were aware that the subject had been involved in an auto accident, just prior to coming inside the Amvets. They indicated they did not observe any physical injuries on the subject during this time and did not hear any statement by the subject indicating that he was injured.

Devan said that during the incident, Shannon (Gallagher) wanted everyone inside Amvet to leave, and she assisted those people as well.

Snyder asked if the subject had appeared intoxicated or had shown any other signs of being under the influence of something. Ralph said his actions were, "...he was acting erratically...kind of jerky...didn't seem like he was drunk or nothing, wobbling around or anything...but somewhat erratic..." [00:15:10].

The initial interview concluded at approximately 1426 hours. Ralph then recalled additional information and a short, add-on interview followed, beginning at approximately 1429 hours.

Ralph advised during the tussle between CPD personnel and the subject, he observed a white baggy fall out of the subject's shoe. Ralph indicated that one of the CPD officers had then picked the white baggy up, when he recovered his body-camera that had also fallen off during the struggle with the subject.

The second interview concluded at approximately 1430 hours.

Also attached to this report is a written statement that Ralph had previously provided to the CPD on April 18, 2024.

Note: This report summarizes information deemed by the author of the most relevance to the investigation and does not contain all questions and answers from the interview. This report was placed in a chronology to aid the reader's overall understanding of information elicited during the interview and may not be reflective of the actual sequencing of questions. It is suggested the full audio recording be reviewed to clarify any content or contextual questions regarding the information from the interview.

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Attachments:

Attachment # 01: 2024-04-19 – Ralph and Devan Mosteller – Interview – pt 001
240419_0005

Attachment # 02: 2024-04-19 Ralph Mosteller Jr. written statement

LOCAL REPORT NUMBER 2404004	REPORTING AGENCY Canton PD	DATE OF CRASH M 4 / D 18 / Y 24
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FOR LOCAL USE ONLY - DO NOT SUBMIT TO THE STATE EXCEPT FOR FATAL CRASHES

I, <u>Ralph C. Mosteller Jr.</u> PRINTED	HEREBY MAKE THIS VOLUNTARY STATEMENT TO	
<u>Beau Schoenage</u> OFFICER'S NAME	<u>294</u>	AT <u>1700 Blk Sherrick Rd SE</u> LOCATION

I was in the back of the club (Amvets 124) when a black male middle age came in the back of the club yelling call 911 somebody is trying to kill me. Someone from the front said that they called 911. He was sitting on a chair still yelling inaudible and took something and his wallet out of his pocket and place whatever he had in his hand besides his wallet in his shoe. He got up and was still yelling call 911 somebody is trying to kill me as he walked to the front of the bar by the front door. Some one went outside to see if some one was outside. Shortly after that Canton PD came in the front door and was trying to apprehend the black male. They were struggling around the bar trying to get him under control as the guys was fighting them. Once they got to the the door way ~~to~~ going to the back, myself and another patron helped get his legs under control while ~~to~~ Canton PD cuffed the individual. The individual was still fighting with Pd while cuffed. They had him on his stomach. One of the officers crossed the individuals leg and controlled him while the othe officers went to get the car. Short ly before Stark County arrived the officer

ADDRESS OF WITNESS

112 49TH ST SE Canton OH 44707

SIGNATURE OF WITNESS

X **Ralph C. Mosteller Jr.**

OFFICER'S SIGNATURE

X **Beau Schoenage**



TRAFFIC CRASH WITNESS STATEMENT

LOCAL REPORT NUMBER 2404004	REPORTING AGENCY Canton PD	DATE OF CRASH M 4 D 18 Y 24
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FOR LOCAL USE ONLY - DO NOT SUBMIT TO THE STATE EXCEPT FOR FATAL CRASHES

I, Ralph C. Mosteller Jr. HEREBY MAKE THIS VOLUNTARY STATEMENT TO
PRINTED

Beau Schoeneger
OFFICER'S NAME

AT 1700 BUS STARK Rd SE
LOCATION

Started robbing his chest and placed the individual in the recovery position. When Stark County arrived they started doing CPR on the individual.

ADDRESS OF WITNESS
112 49TH ST SE Canton OH 44707

SIGNATURE OF WITNESS
X Ralph C. Mosteller Jr.

OFFICER'S SIGNATURE
X Beau Schoeneger