



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



2022-2016

Officer Involved Critical Incident - Everett Michael Martin (S)

Investigative Activity: Search Warrant
Activity Date: 10/3/2022
Activity Location: Summit County Court of Common Pleas
Authoring Agent: SA Jon Lieber #50

Narrative:

Search Warrant Obtained

Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) Jon Lieber (Lieber) drafted a search warrant for a Motorola cell phone, blue-in-color, with a black case (BCI crime scene evidence item #15), and a BLU cell phone, black-in-color (BCI crime scene evidence item #1), relative to the officer-involved critical incident which occurred on September 28, 2022.

On Monday, October 3, 2022, SA Lieber met with Summit County Court of Common Pleas Judge Kelly McLaughlin (Judge McLaughlin). Judge McLaughlin reviewed the search warrant and search warrant affidavit. On October 3, 2022, at approximately 1234 hours, Judge McLaughlin signed/authorized the search warrant.

Search Warrant Executed

On Monday, October 3, 2022, at approximately 1421 hours, SA Lieber executed/served the aforementioned search warrant by submitting both phones and the search warrant to the BCI Richfield Cyber Crimes Unit.

During the search, the following items of potential evidence were seized:

One 32 GB USB thumb drive containing the cell phone analysis for both cell phones.

An inventory of the items seized was prepared with a copy provided to the Summit County Court of Common Pleas.

Search Warrant Returned

On Monday, November 28, 2022, SA Goudy met with Judge McLaughlin. Judge McLaughlin reviewed and signed the search warrant return. On November 28, 2022, SA Goudy filed the original search warrant, search warrant affidavit, inventory and search warrant return with the Summit County Clerk of Courts.

A copy of the search warrant documents and search inventory are attached to this Investigative Report.

This document is the property of the Ohio Bureau of Criminal Investigation and is confidential in nature. Neither the document nor its contents are to be disseminated outside your agency except as provided by law - a statute, an administrative rule, or any rule of procedure.

STATE OF OHIO

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COURT OF COMMON PLEAS

) SS:

COUNTY OF SUMMIT

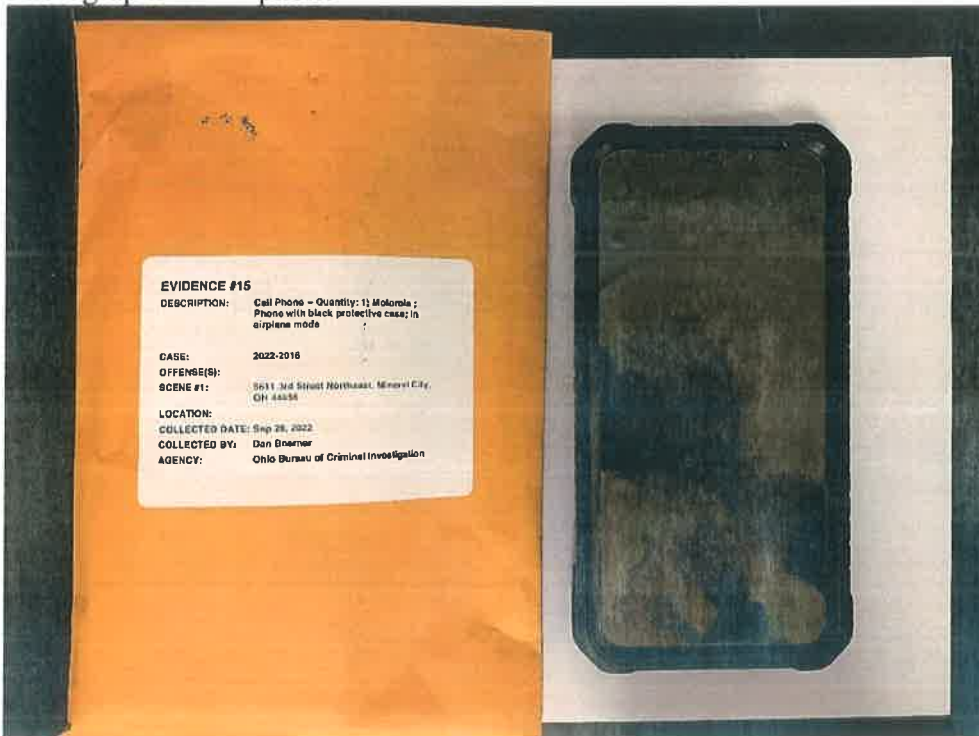
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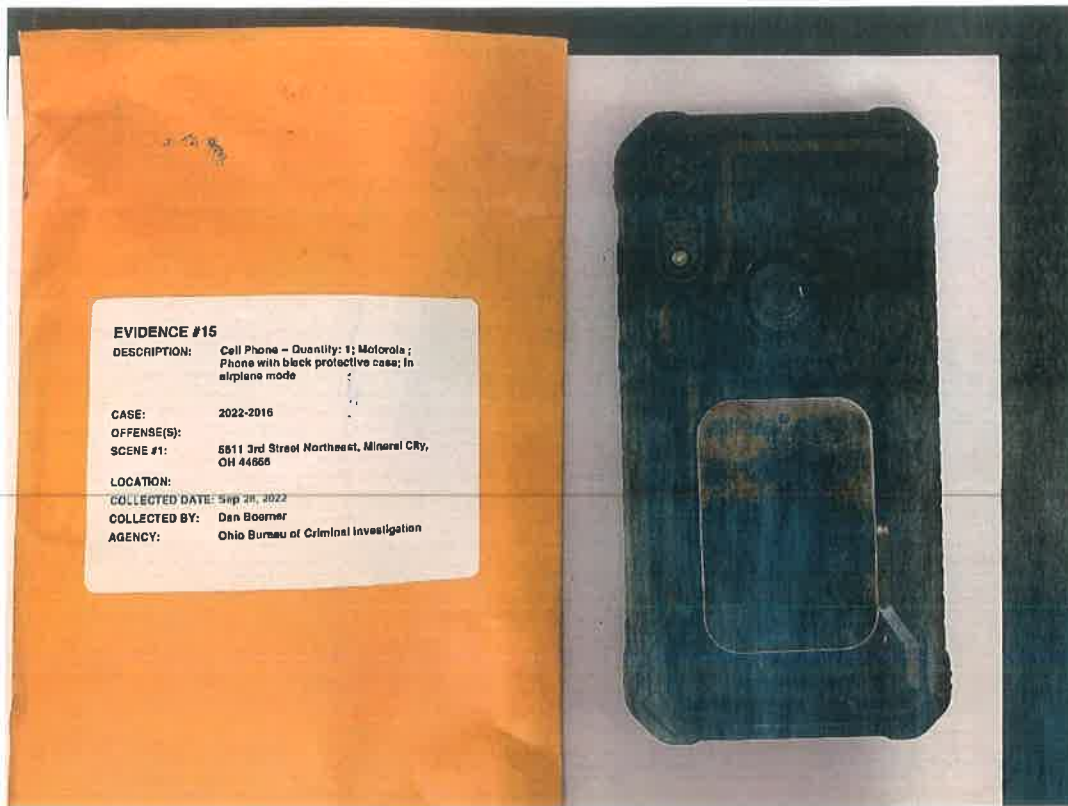
SEARCH WARRANT

TO: OHIO ATTORNEY GENERAL DAVE YOST, SPECIAL AGENT JON LIEBER #50, AND ANY BCI AGENTS, OF THE OHIO BUREAU OF CRIMINAL INVESTIGATION, AND ANY OFFICERS AS AUTHORIZED.

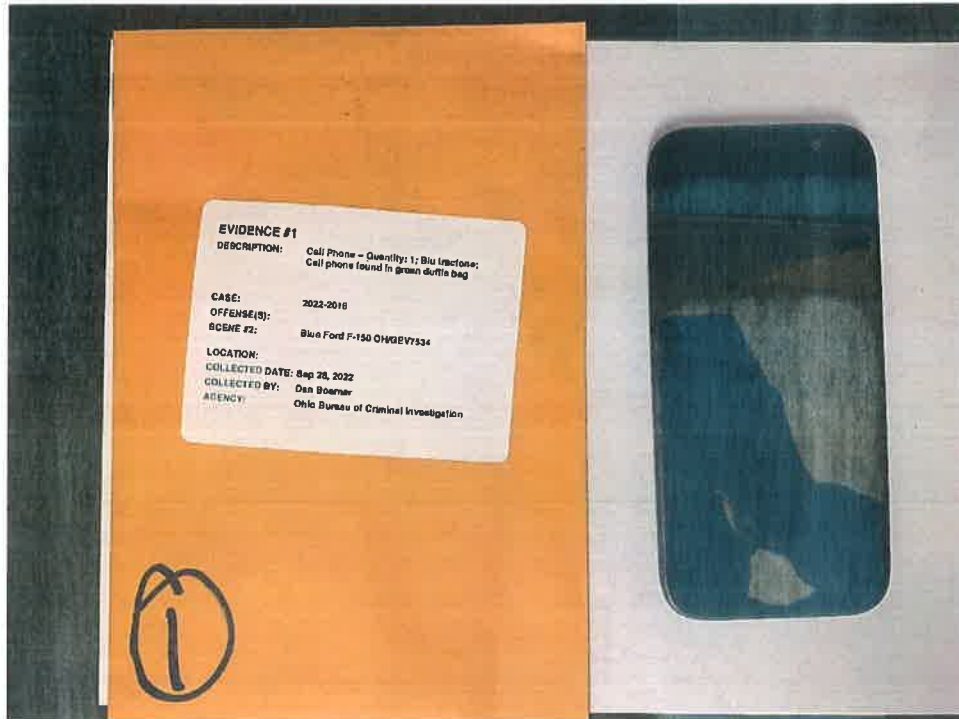
WHEREAS there has been filed with me an affidavit, a copy of which is attached hereto, and incorporated herein, wherein the Affiant avers that he has probable cause to believe, and does believe, that evidence of violations of Ohio Revised Code: 2903.11 Felonious Assault; 2919.25 Domestic Violence; 2903.22 Menacing; 2919.27 Violation of Protection Order, will be found within the item listed below

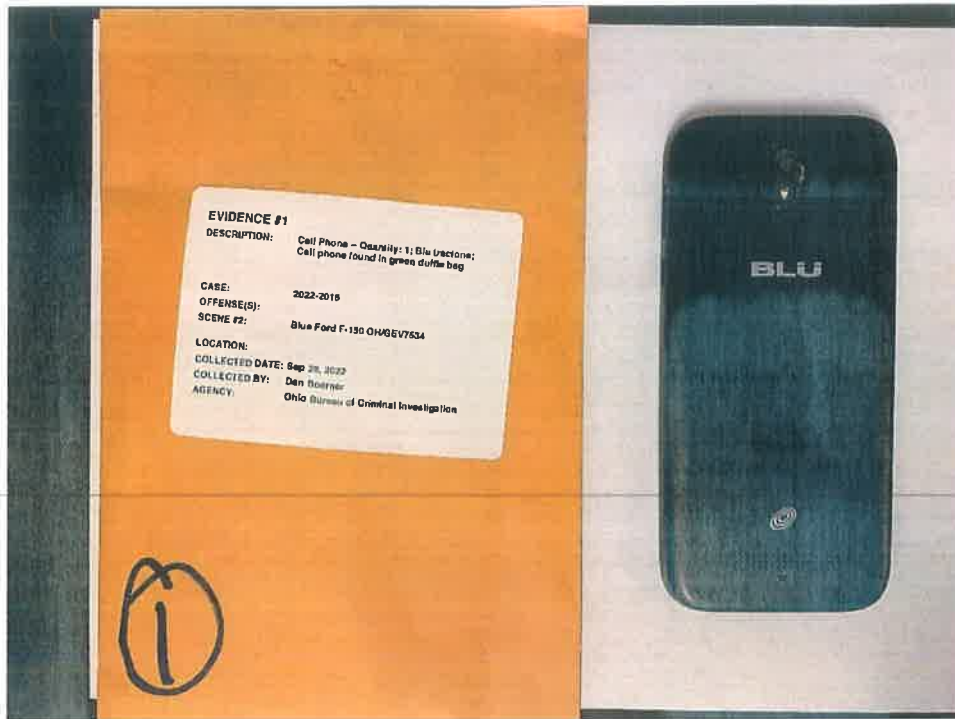
- 1) Motorola cell phone, blue in color with black color case, with SIM card or e-SIM card, BCI crime scene evidence item #15
- 2) Photographs of the phone are shown below:





- 3) BLU cell phone, black in color, with SIM card or e-SIM card, BCI crime scene evidence item #1
4) Photographs of the phone are shown below:





There is known to be kept, concealed, and possessed the following:

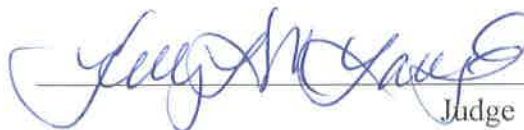
- Data including emails, notes, photographs, images, video recordings, audio recordings, contacts, incoming/outgoing/missed calls, text messages, and social media correspondence. This data could also include location and global positional system (GPS) history.
- Any and all electronic data contained in the device's memory, or call history of the cell phone, to include but not necessarily limited to; call history, any names, phone numbers, addresses, contact information, data, text, messages, images, voice memos, photographs, videos, audio recordings, personal settings and preferences established on the device such as but not limited to, internet favorites, email processing such as forwarding addresses, internet cache settings, calendars, notes and note taking, other preferences such as but not limited to, speed dialing assignments, voice dialing assignments, ring tone assignments, internet sites, internet access, Wi-Fi information, documents or other information, contained in the devices' cellular phone internal, external, or removable memory devices, which may include SIM cards and micro SD cards.
- Any and all data contained on the devices cell phones or other storage devices which includes previously erased data that may be located may be located such as, but not necessarily limited to, Personal Data Assistant, secure media cards, smart cards, SIM cards, micro SD cards, digital camera media such as compact flash cards, in any format and, whether the data is stored in files, tables, other data structures, or unallocated space.
- Said search may include production and examination of a duplicate memory card image, and/or the device cell phone image, or analysis files, which contain all the data on the reference devices cell phones and or storage media, said duplicates, files and data becoming the sole property of the Ohio Attorney General's Office, Bureau of Criminal Investigation or other law enforcement agency with jurisdiction or property authority in this matter.
- The law enforcement agency to which this warrant is issued is authorized to seize the above described materials and conduct further examination by a qualified computer expert, provided such expert operates under the direction, supervision, and control of said law enforcement agency.

And any and all evidence of the offenses of Ohio Revised Code: 2903.11 Felonious Assault; 2919.25 Domestic Violence; 2903.22 Menacing; 2919.27 Violation of Protection Order

I am satisfied that there is probable cause to believe that the above described items are within the above-described premises, and that grounds for issuance of this search warrant exist.

THEREFORE: You are hereby commanded in the name of the State of Ohio, with the necessary and proper assistance, to serve this warrant and search the above-described items, forthwith for the property specified, with the necessary assistance, making a bit by bit, also known mirror images, mirror image copies thereof with any qualified and necessary assistance, and that once said mirror images are made, that affiant and/or other investigation officer/agents are authorized to search said mirror images for the above described information. The Court makes a further order for good cause shown that the three (3) day rule for execution of the said warrant is extended, to allow agents to execute and thoroughly search the seized property. Said extension is based on the logistical and technical difficulties confronting law enforcement. If any of the above-described property or any part thereof be found there, you are commanded to seize it, prepare a written inventory of the property seized, return this warrant to the undersigned or any Judge of the Court of Common Pleas, and to bring the property found on such search forthwith before said Judge, or some other judge or magistrate of the county having cognizance thereof.

Given my hand this 3rd day of October, 2022 at 10:34 o'clock P.M.



Judge Kelly McLaughlin
Court of Common Pleas
Summit County, Ohio

STATE OF OHIO

) COURT OF COMMON PLEAS

) SS:

COUNTY OF SUMMIT

) AFFIDAVIT FOR SEARCH WARRANT

AFFIDAVIT

Before me a Judge of the Court of Common Pleas, personally appeared the undersigned, Special Agent Jon Lieber #50, who being first duly sworn, deposes and says that he is a member of the Ohio Bureau of Criminal Investigation, Major Crimes Division, Special Investigations Unit, and is acting under a request for assistance from the Tuscarawas County Sheriff's Office, and that his training and experience include the following:

Your Affiant, Jon Lieber, is a Special Agent with Bureau of Criminal Investigation. SA Lieber has been a law enforcement officer in the State of Ohio since 2002. The Affiant has successfully completed the Ohio Peace Officer Basic Training Academy where an intensive program of training was conducted regarding criminal investigations, interrogation techniques, crime scene investigations, as well as investigations of violations of other criminal laws in the Ohio Revised Code (ORC). Affiant has been trained and certified by the Ohio Peace Officer Training Academy (OPOTA). Affiant holds a Bachelor's Degree and Juris Doctor Degree. Affiant is an attorney licensed to practice law in the State of Ohio. Additionally, affiant has received in excess of 1,000 hours of training composed of topics such as criminal investigations, interviewing and interrogating suspects, instructor development, and general law enforcement operations.

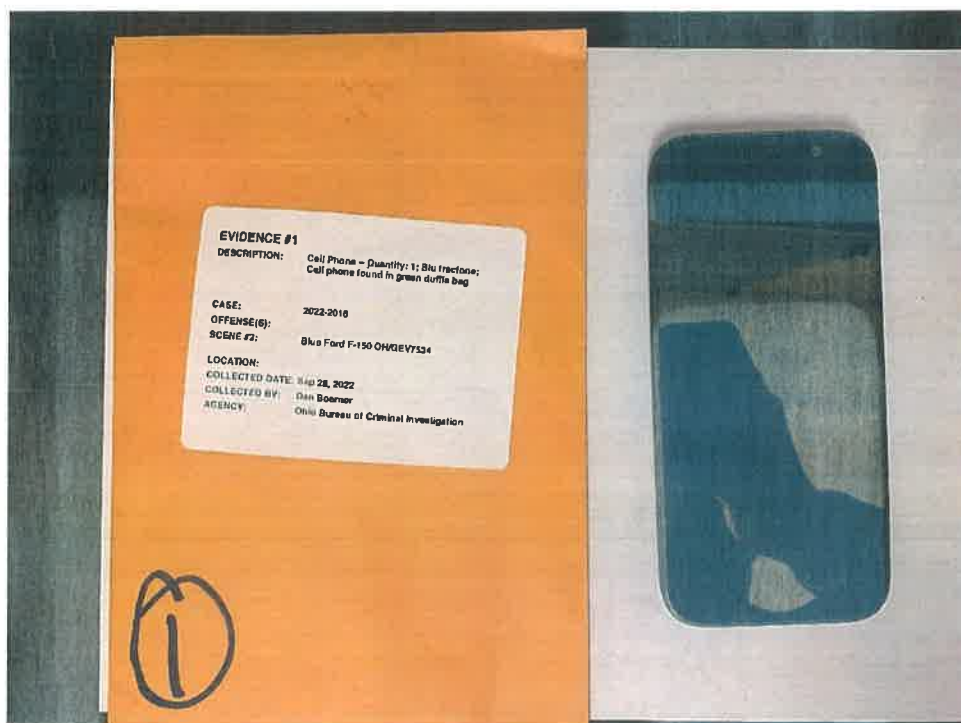
Affiant states that he has probable cause to believe and does believe, that evidence of violations of Ohio Revised Code: 2903.11 Felonious Assault; 2919.25 Domestic Violence; 2903.22 Menacing; 2919.27 Violation of Protection Order, will be found within the item listed below, more particularly described as:

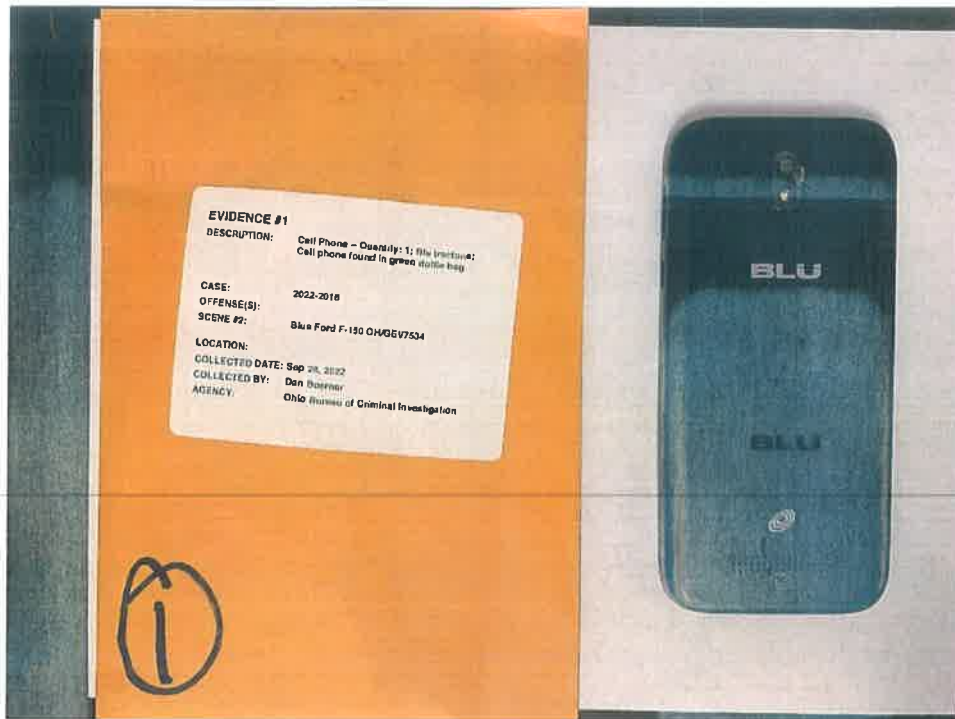
- 1) Motorola cell phone, blue in color with black color case, with SIM card or e-SIM card, BCI crime scene evidence item #15
- 2) Photographs of the phone are shown below:





- 3) BLU cell phone, black in color, with SIM card or e-SIM card, BCI crime scene evidence item #1
4) Photographs of the phone are shown below:





There is known to be kept, concealed, and possessed the following:

- Data including emails, notes, photographs, images, video recordings, audio recordings, contacts, incoming/outgoing/missed calls, text messages, and social media correspondence. This data could also include location and global positional system (GPS) history.
- Any and all electronic data contained in the device's memory, or call history of the cell phone, to include but not necessarily limited to; call history, any names, phone numbers, addresses, contact information, data, text, messages, images, voice memos, photographs, videos, audio recordings, personal settings and preferences established on the device such as but not limited to, internet favorites, email processing such as forwarding addresses, internet cache settings, calendars, notes and note taking, other preferences such as but not limited to, speed dialing assignments, voice dialing assignments, ring tone assignments, internet sites, internet access, Wi-Fi information, documents or other information, contained in the devices' cellular phone internal, external, or removable memory devices, which may include SIM cards and micro SD cards.
- Any and all data contained on the devices cell phones or other storage devices which includes previously erased data that may be located may be located such as, but not necessarily limited to, Personal Data Assistant, secure media cards, smart cards, SIM cards, micro SD cards, digital camera media such as compact flash cards, in any format and, whether the data is stored in files, tables, other data structures, or unallocated space.
- Said search may include production and examination of a duplicate memory card image, and/or the device cell phone image, or analysis files, which contain all the data on the reference devices cell phones and or storage media, said duplicates, files and data becoming the sole property of the Ohio Attorney General's Office, Bureau of Criminal Investigation or other law enforcement agency with jurisdiction or property authority in this matter.
- The law enforcement agency to which this warrant is issued is authorized to seize the above described materials and conduct further examination by a qualified computer expert, provided such expert operates under the direction, supervision, and control of said law enforcement agency.

And any and all evidence of the offenses of Ohio Revised Code: 2903.11 Felonious Assault; 2919.25 Domestic Violence; 2903.22 Menacing; 2919.27 Violation of Protection Order

Execution of this warrant will be during the daytime season.

The facts upon which affiant bases such beliefs are as follows:

- 1) On September 28, 2022, the Ohio Bureau of Criminal Investigation was requested to investigate an officer-involved shooting that occurred at 5611 Third Street NE, Mineral City, OH 44656.
- 2) On September 28, 2022 at approximately 0925 hours, Tuscarawas County Sheriff's Office (TCSO) deputies were dispatched to 5611 Third Street NE, Mineral City, OH 44656 for a report of a protection order violation.
- 3) The caller Courtney Digenova (Courtney), stated that her ex-boyfriend, Everett Martin (DOB 03/21/1979) was outside of the residence. Courtney said Everett's vehicle, a Ford F-150 truck bearing Ohio license plate GEV 7534, was parked outside of the residence and that he knocked on the door of the residence.
- 4) The protection order originated from an incident that occurred on September 18, 2022 involving Everett sending threatening text messages to Courtney. Everett was arrested on September 18, 2022 for threatening domestic violence.
- 5) The protection order was issued, as a result of the above referenced incident, on September 19, 2022 in New Philadelphia Municipal Court.
- 6) Deputies arrived on scene and began to communicate with Everett. After approximately 30 minutes, Courtney heard multiple gunshots.
- 7) During the confrontation with deputies, Everett was in possession of a handgun. It is believed that Everett fired the handgun twice before he was shot by deputies.
- 8) Medical aid was provided to Everett, however, he died of his injuries while on scene.
- 9) As investigators processed the scene, a Motorola cell phone (BCI Crime Scene item #15) was located on Everett Martin's person; inside of a jacket pocket.
- 10) A search warrant was obtained through the Tuscarawas County Court of Common Pleas for the Ford F-150 truck. During the search, investigators recovered a BLU brand cell phone (BCI Crime Scene item #1) in a green color duffle bag located inside of the truck. At the time of the search, the vehicle was located on the property of 5611 Third Street NE, Mineral City, OH.

11) Based on your Affiant's training and experience, people use cellular phones to communicate through phone calls, text messages, chat and instant message features, video and audio recordings, emails, social media, and other electronic means. During criminal incidents and mental health incidents, people often use their cellular phones to communicate or record portions of the event. People also utilize their cellular phones days, weeks, and months in advance to communicate to others their mental health status, potential suicidal threats, and possibly their criminal behavior. Examination of the cellular phone could provide additional details about criminal activity and about any mental health and physical health situations involving Everett Martin.

Your Affiant avers to that on the above, he has probable cause to believe, and does believe that additional evidence of the offenses of Ohio Revised Code: 2903.11 Felonious Assault; 2919.25 Domestic Violence; 2903.22 Menacing; 2919.27 Violation of Protection Order, will be found within the above-described item, and that it is therefore necessary to search the items and recover said evidence.

FURTHER AFFIANT SAYETH NAUGHT.



AFFIANT, Special Agent Jon Lieber #50
Ohio Bureau of Criminal Investigation

Sworn to before me and subscribed in my presence this 3rd day of October, 2022.



Judge Kelly McLaughlin
Court of Common Pleas
Summit County, Ohio

STATE OF OHIO

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COURT OF COMMON PLEAS

) SS:

COUNTY OF SUMMIT

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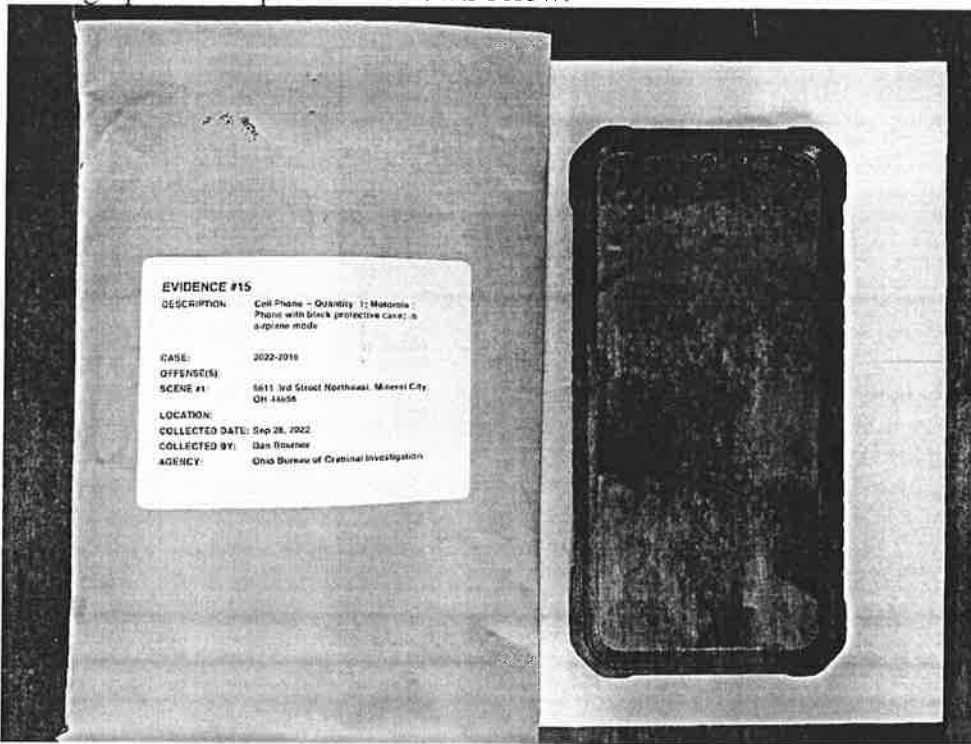
SEARCH WARRANT

CM 22-11-0184

TO: OHIO ATTORNEY GENERAL DAVE YOST, SPECIAL AGENT JON LIEBER #50, AND ANY BCI AGENTS, OF THE OHIO BUREAU OF CRIMINAL INVESTIGATION, AND ANY OFFICERS AS AUTHORIZED.

WHEREAS there has been filed with me an affidavit, a copy of which is attached hereto, and incorporated herein, wherein the Affiant avers that he has probable cause to believe, and does believe, that evidence of violations of Ohio Revised Code: 2903.11 Felonious Assault; 2919.25 Domestic Violence; 2903.22 Menacing; 2919.27 Violation of Protection Order, will be found within the item listed below

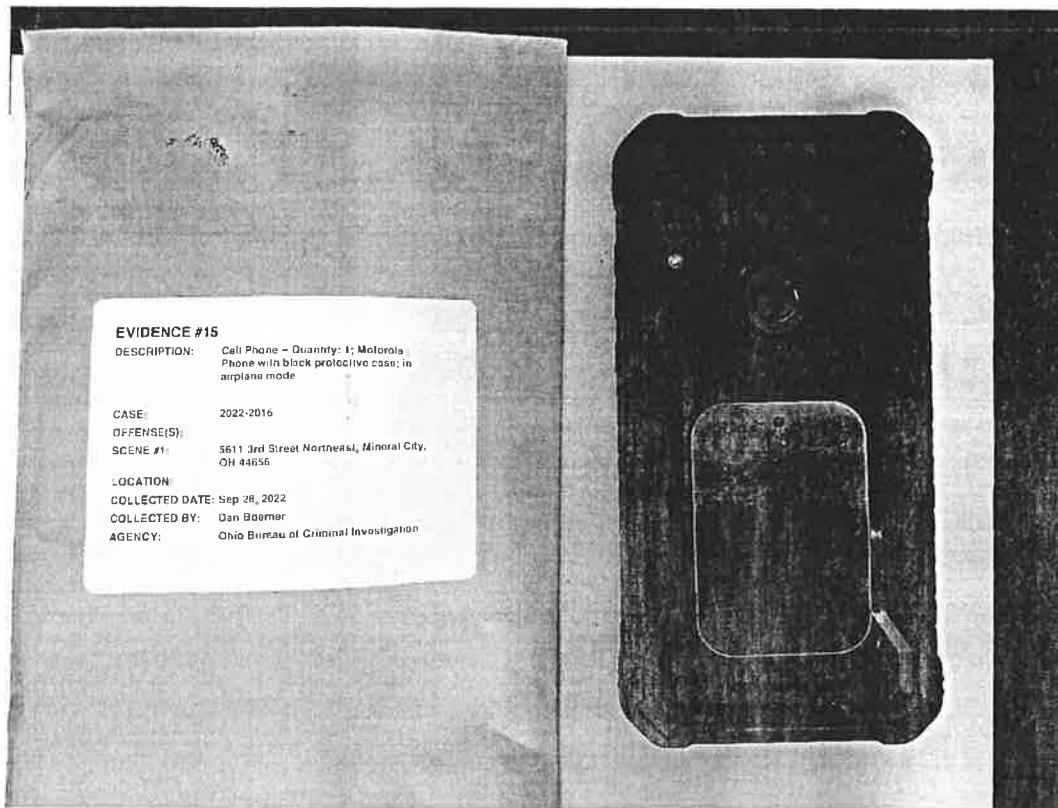
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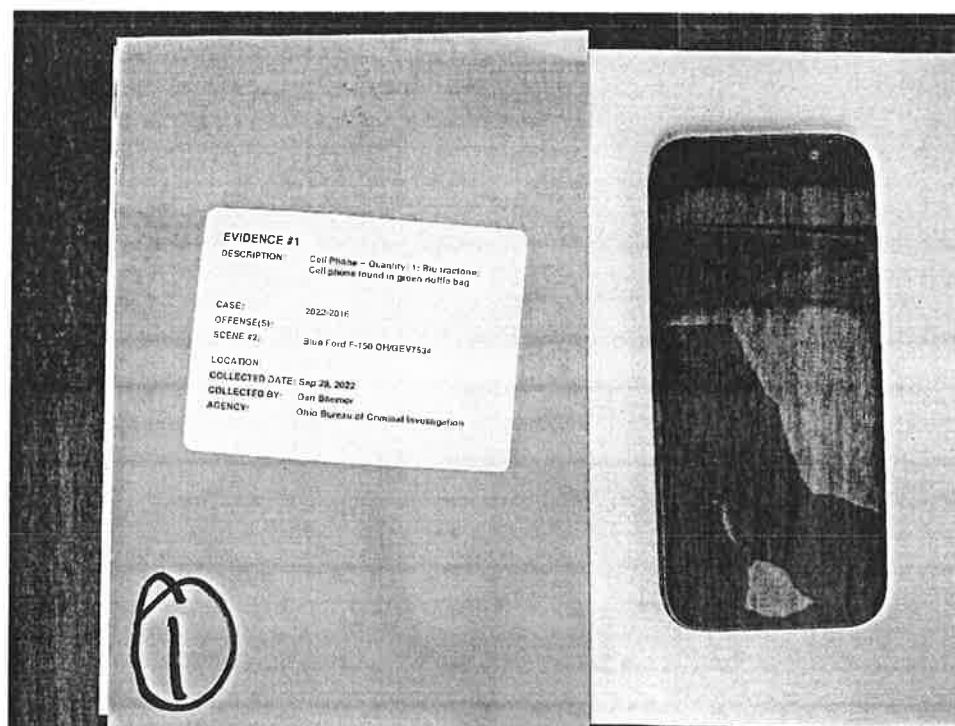
SUMMIT COUNTY
CLERK OF COURTS

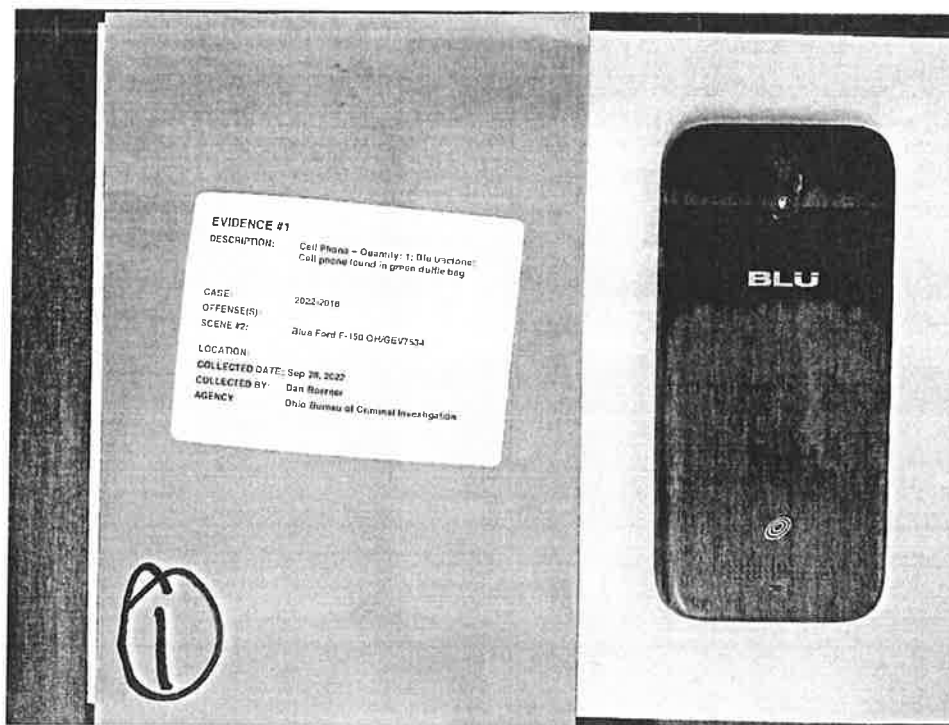
2022 NOV 28 AM 11:48

SANDRA KURT



- 3) BLU cell phone, black in color, with SIM card or e-SIM card, BCI crime scene evidence item #1
- 4) Photographs of the phone are shown below:





There is known to be kept, concealed, and possessed the following:

- Data including emails, notes, photographs, images, video recordings, audio recordings, contacts, incoming/outgoing/missed calls, text messages, and social media correspondence. This data could also include location and global positional system (GPS) history.
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- The law enforcement agency to which this warrant is issued is authorized to seize the above described materials and conduct further examination by a qualified computer expert, provided such expert operates under the direction, supervision, and control of said law enforcement agency.

And any and all evidence of the offenses of Ohio Revised Code: 2903.11 Felonious Assault; 2919.25 Domestic Violence; 2903.22 Menacing; 2919.27 Violation of Protection Order

I am satisfied that there is probable cause to believe that the above described items are within the above-described premises, and that grounds for issuance of this search warrant exist.

THEREFORE: You are hereby commanded in the name of the State of Ohio, with the necessary and proper assistance, to serve this warrant and search the above-described items, forthwith for the property specified, with the necessary assistance, making a bit by bit, also known mirror images, mirror image copies thereof with any qualified and necessary assistance, and that once said mirror images are made, that affiant and/or other investigation officer/agents are authorized to search said mirror images for the above described information. The Court makes a further order for good cause shown that the three (3) day rule for execution of the said warrant is extended, to allow agents to execute and thoroughly search the seized property. Said extension is based on the logistical and technical difficulties confronting law enforcement. If any of the above-described property or any part thereof be found there, you are commanded to seize it, prepare a written inventory of the property seized, return this warrant to the undersigned or any Judge of the Court of Common Pleas, and to bring the property found on such search forthwith before said Judge, or some other judge or magistrate of the county having cognizance thereof.

Given my hand this 3rd day of October, 2022 at 12:34 o'clock A.M.



Judge Kelly McLaughlin
Court of Common Pleas
Summit County, Ohio

I certify this to be a true copy of the original
Sandra Kurt, Clerk of Courts.


Deputy Clerk

STATE OF OHIO

)

COURT OF COMMON PLEAS

) SS:

COUNTY OF SUMMIT

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AFFIDAVIT FOR SEARCH WARRANT

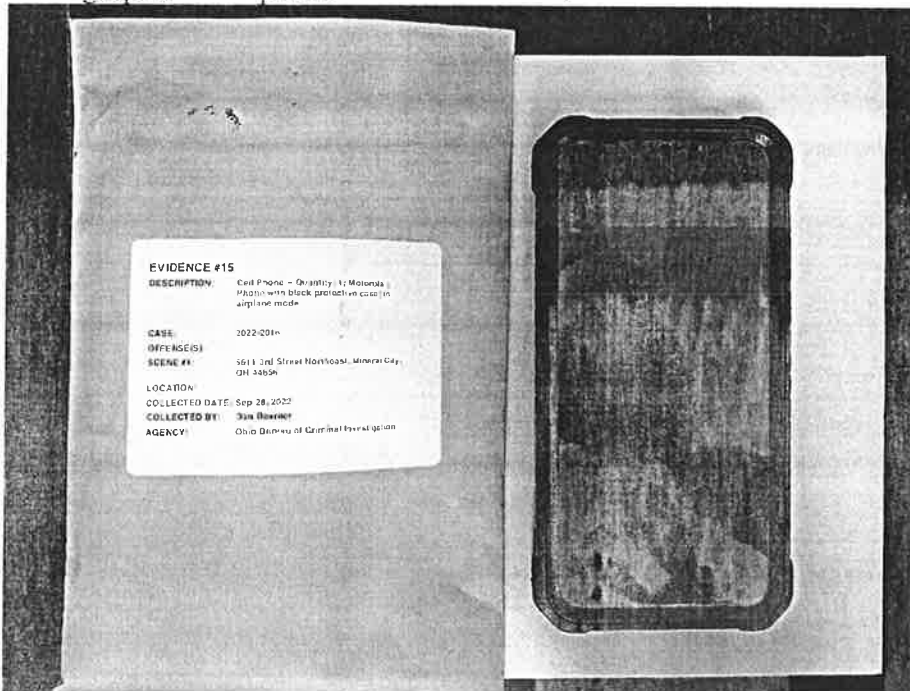
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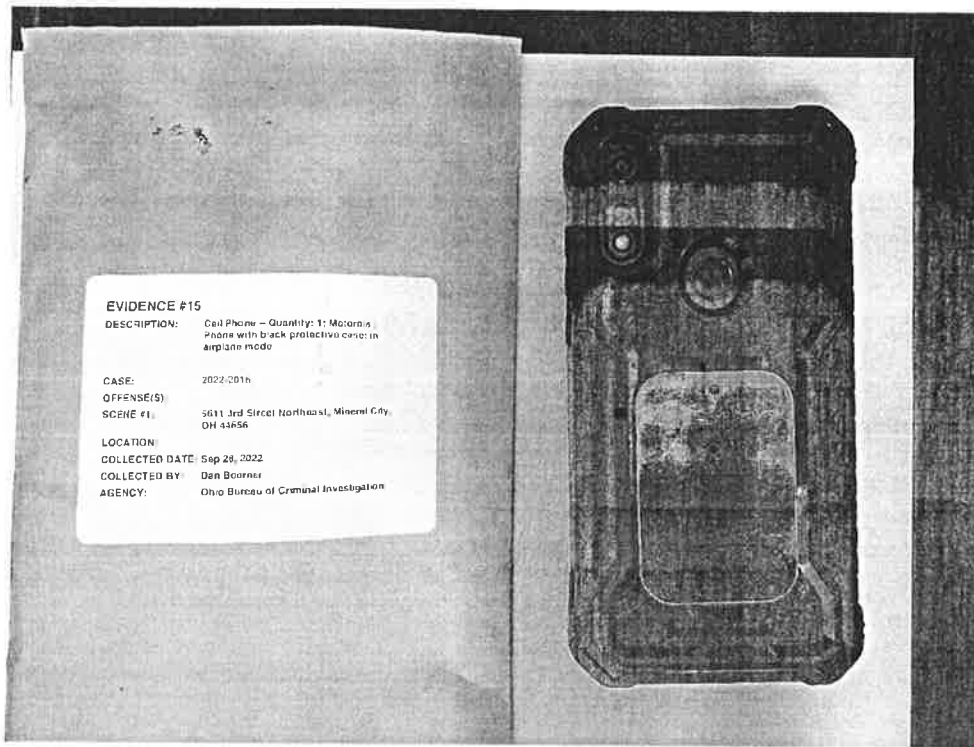
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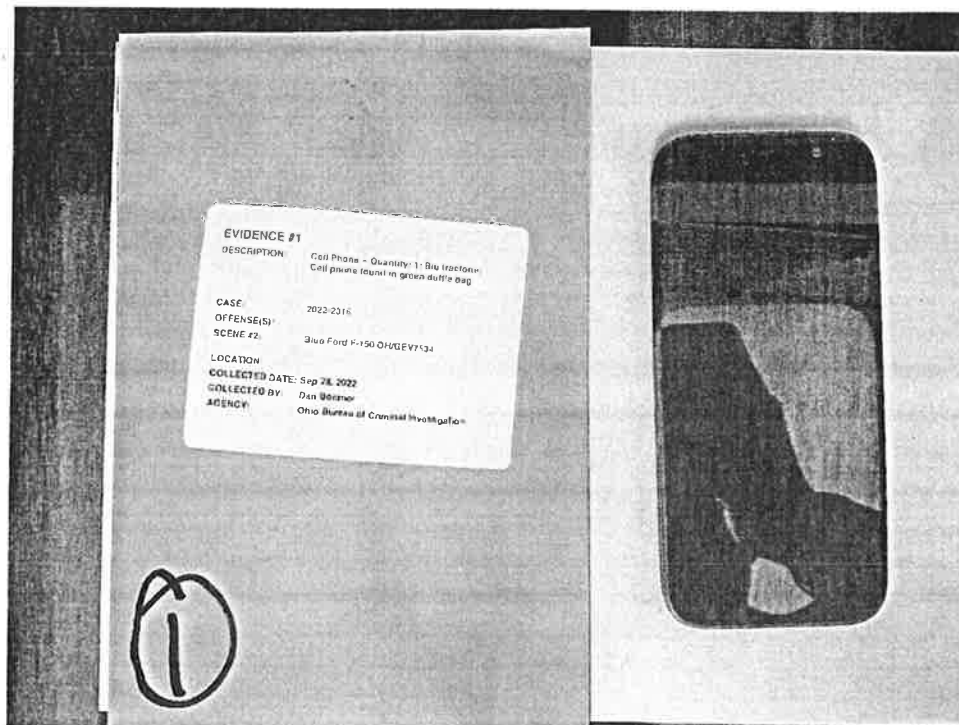
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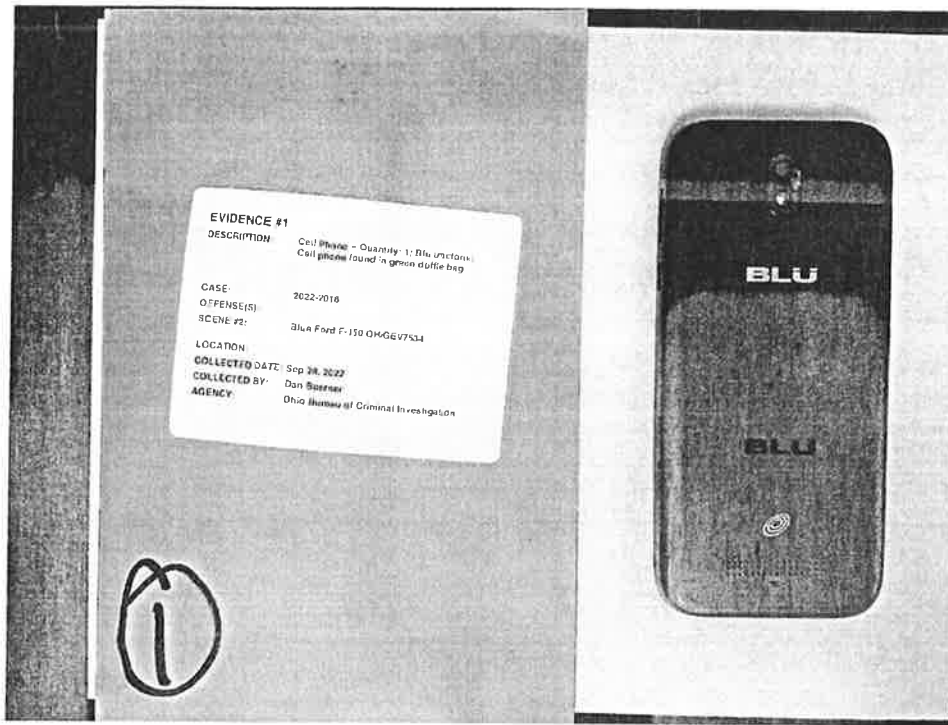


SANDRA KURTI
 2022 NOV 28 AM 11:52
 SUMMIT COUNTY
 CLERK OF COURTS



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- 6) Deputies arrived on scene and began to communicate with Everett. After approximately 30 minutes, Courtney heard multiple gunshots.
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- 8) Medical aid was provided to Everett, however, he died of his injuries while on scene.
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FURTHER AFFIANT SAYETH NAUGHT.



AFFIANT, Special Agent Jon Lieber #50
Ohio Bureau of Criminal Investigation

Sworn to before me and subscribed in my presence this 31st day of October, 2022.



Judge Kelly McLaughlin
Court of Common Pleas
Summit County, Ohio

I certify this to be a true copy of the original
Sandra Kurt, Clerk of Courts.



Deputy Clerk

STATE OF OHIO)
COUNTY OF SUMMIT)

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) SS:
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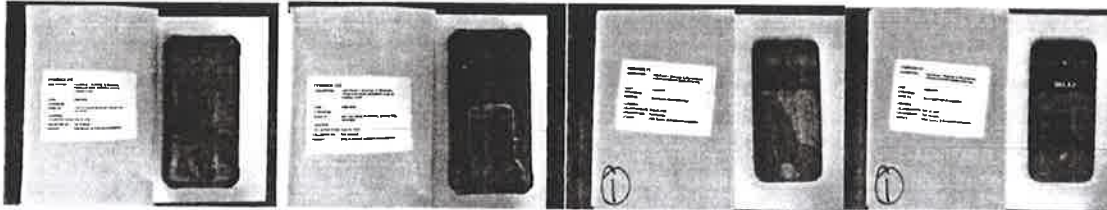
COURT OF COMMON PLEAS
COURT ORDER RETURN

CASE NUMBER: CM 22-11-0184

IN THE MATTER OF SEARCH OF:


TO: Judge Kelly McLaughlin of the Common Pleas Court, Summit County, Ohio.

1. **Motorola Moto e (2020) – Model #XT2052DL – Serial #ZY22CMR9C (Matrix Item #015)**
2. **BLU View 2 – Model #B130DL – Serial #1090339021031113 (Matrix Item #021)**




On October 3, 2022, Ohio Bureau of Criminal Investigation (BCI) Special Agent Supervisor (SAS) Jon Lieber (Lieber) received this court order and on October 3, 2022, BCI SAS Lieber served a copy of the court order to the Ohio Bureau of Criminal Investigations (BCI) Cyber Unit, the person/entity on whom or at whose place the search was made, and gave a copy of the court order. In the course of the search, agents did receive the attached items of evidence.

SANDRA KURI
2022 NOV 28 AM 11:48
SUMMIT COUNTY
CLERK OF COURTS



Joseph Goudy, Special Agent
Ohio Attorney General's Office
Bureau of Criminal Investigation
4055 Highlander Parkway,
Richfield, Ohio 44286

Sworn to before me and subscribed in my presence this 25th, day of November, 2022.



JUDGE, Summit County Court of Common Pleas

I certify this to be a true copy of the original
Sandra Kurt, Clerk of Courts.


Deputy Clerk



Ohio Bureau of Criminal Identification and Investigation

CASE# 22-2016

Inventory/Receipt Attachment

I received the below listed property from (person/location): BCI Cyber Unit Richfield

ITEM	DESCRIPTION	LOCATION FOUND	FOUND BY WHOM
01	(1) 32 GB USB Thumbdrive - Containing Analysis of Matrix Items 15 + 21	-	BCI Cyber
9583			
2022 NOV 28 AM 11:48 SUMMIT COUNTY OFFICE OF COURTS SANDRA KURT			

Signed [Signature]
Inventory Agent

Date 11-17-22

Items	Released By	Received By	Date/Time
01	BCI Cyber Unit	SA Goudy	11-17-22
01	SA Goudy	SIU Case File	11-17-22