



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: Case Closing

Activity Date: 2/27/2023

Authoring Agent: Special Agent Joseph Goudy #83

Narrative:

On Monday, February 27, 2023, the investigation regarding the officer-involved shooting that occurred in Mineral City, Ohio, on September 28, 2022, was ruled on and decided by the Tuscarawas County Prosecutor's Office by Tuscarawas County Prosecutor Ryan Styre (Styre). Prosecutor Styre ruled that this matter will not be presented to the grand jury nor will his office pursue any criminal charges regarding the actions of Tuscarawas County Sheriff's Office Deputy [REDACTED] and Deputy [REDACTED] in relation to the death of Everett Martin.

All evidence in this case has been returned to the requesting agency on February 28, 2023, at 1035 hours. Special agent assistance is no longer required by the requesting agency.

The documents received from the Tuscarawas County Prosecutor's Office, along with the signed evidence receipt, are attached to this report. Please refer to those documents for further information.

This case is closed.

Assistant Prosecutors

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R. Scott Deedrick
Lacey Felix
Douglas V. Jackson
Frederic R. Scott
Robert C. Urban Jr.

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RYAN STYER
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Tax Foreclosures

Susan Peters • 330.365.3212

February 27, 2023

Special Agent Joseph Goudy
Ohio Bureau of Criminal Investigation
4055 Highlander Parkway
Richfield, OH 44286

Re: BCI Investigation of Officer Involved Critical Incident involving deputies of the Tuscarawas County Sheriff's Office; SIU Case No. 2022-2016; BCI Lab No. 22-39390

Special Agent Goudy:

I have had the opportunity to carefully review your investigative reports and supporting evidence of the September 28, 2022 officer-involved shooting of Everett Martin at 5611 E. Third St., Mineral City, Ohio. It is my conclusion that this was a thorough and comprehensive investigation by your agency upon which I can base an informed decision. For the reasons set forth herein, we have determined not to present this matter to the grand jury nor pursue any criminal charges against the officers involved and will be closing our file.

A police officer acts reasonably in using deadly force when the officer has a reasonable belief that the suspect poses an imminent threat of serious physical harm or death to the officer or to others. *Tennessee v. Garner* (1985), 471 U.S. 1, 105 S.Ct. 1694; *Graham v. Connor* (1989), 490 U.S. 386. The Fourth Amendment inquiry is whether the officers' actions are "objectively reasonable" in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation. The "reasonableness" of a particular use of force must be judged from the perspective of a reasonable officer on the scene, and its calculus must embody an allowance for the fact that police officers are often forced to make split-second decisions about the amount of force necessary in a particular situation.

The multiple witness interviews, physical and forensic evidence, autopsy and toxicology findings, and other details of your investigation establish that Martin was upset that he was arrested on September 18 and that the Court ordered him to have no

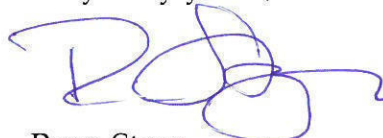
contact with his ex-girlfriend, Courtney Digenova, or the home in which he had previously resided with her. Digenova stated that she arrived home on September 22 to find Martin in the home in violation of the protection order; that he threatened to kill Digenova, her boyfriend, and himself; and that she did not report that violation at the time. On September 28 at 9:25 a.m., Digenova called 911 to report that Martin was at the home knocking on the door. When officers arrived, they encountered Martin who unfortunately had been consuming alcohol and marijuana and was expressing suicidal ideations. Martin indicated he had a knife in his coat pocket, although he would not show it. CIS-trained deputies spent nearly a half hour attempting to deescalate Martin outside the residence. When Martin refused to take his hands out of his pockets and charged at an entry door of the residence, Lt. [REDACTED] deployed a less-lethal beanbag round in an attempt to incapacitate Martin and prevent his entry into the home. The beanbag had little effect, and Martin pulled a Taurus 9mm pistol from his person and pointed it at the direction of deputies. He fired one round. Dep. [REDACTED] and Dep. [REDACTED] each responded to this deadly threat; Dep. [REDACTED] fired five rounds from his duty pistol, and Dep. [REDACTED] fired two rounds from his duty rifle. When the threat was eliminated, deputies immediately but unsuccessfully applied first aid to Martin.

The TCSO officers in question responded appropriately to this incident. There is no reasonable interpretation of the evidence other than the two officers using lethal force were objectively faced with an imminent threat to the lives of themselves and other officers at the scene before each made the reasonable determination to utilize deadly force. The officers' use of deadly force was justified to confront the deadly threat against the officers present at the scene.

For these reasons, I find that the use of deadly force by Dep. [REDACTED] and Dep. [REDACTED] was reasonable and justified in each instance. Accordingly, I have determined that there is no basis for the pursuit of any criminal prosecution against any of the officers in connection to this incident and will be closing our file.

Thank you and your agency for your substantial efforts in this matter. Please do not hesitate to contact us with questions or concerns you may have.

Very truly yours,



Ryan Styer
Prosecutor

cc: Sheriff Campbell
RS/mw



EVIDENCE RECEIPT - RTO



Ohio Attorney General's Office Bureau of Criminal Investigation

Case Number
2022-2016

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

RELEASED FROM

Releasing Agency	Released By	Case Number
Bureau of Criminal Investigation Main Office	SA Joseph Goudy	

RELEASE REASON

Return to Owner

EVIDENCE

- 015 - Mobile Phone - Blue Motorola Moto e (2020) XT2052DL - P00020-1031367, 015 *(Device) Not contained*
- 021 - Mobile Phone - Black BLU View 2 BL130DL - P00020-1031369, 021 *(Device) Not contained*
- 001 - 9mm cartridge case CS-1 - P00020-1031379, 001 *(Other Property) in Envelope*
- 002 - 9mm cartridge case CS-2 - P00020-1031380, 002 *(Other Property) in Envelope*
- 003 - 9mm cartridge case CS-3 - P00020-1031381, 003 *(Other Property) in Envelope*
- 004 - 9mm cartridge case CS-4 - P00020-1031382, 004 *(Other Property) in Envelope*
- 005 - 9mm cartridge case CS-5 - P00020-1031383, 005 *(Other Property) in Envelope*
- 006 - .223 cartridge case CS-6 - P00020-1031384, 006 *(Other Property) in Envelope*
- 007 - .223 cartridge case CS-7 - P00020-1031385, 007 *(Other Property) in Envelope*
- 008 - Bottle of Vodka CS-8 - P00020-1031386, 008 *(Other Property) in Brown Paper Bag*
- 009 - Fragment CS-9 - P00020-1031387, 009 *(Other Property) in Envelope*
- 010 - Fragment CS-10 - P00020-1031388, 010 *(Other Property) in Envelope*
- 011 - Fragment CS-11 - P00020-1031389, 011 *(Other Property) in Envelope*
- 012 - Knit hat w/fragment CS-12 - P00020-1031390, 012 *(Other Property) in Envelope*
- 013 - 9x19 SX cartridge case CS-13 - P00020-1031391, 013 *(Other Property) in Envelope*
- 014 - Pocket knife CS-14 - P00020-1031392, 014 *(Other Property) in Envelope*
- 016 - Fragments CS-16 - P00020-1031393, 016 *(Other Property) in Envelope*
- 017 - Magazine w/9x19 SX cartridges CS-17 - P00020-1031394, 017 *(Other Property) in Envelope*
- 018 - Fragment CS-18 - P00020-1031395, 018 *(Other Property) in Envelope*
- 019 - Less-lethal shot shell CS-19 - P00020-1031396, 019 *(Other Property) in Envelope*
- 020 - Firearm - 9mm CS-20 - Taurus G2C - P00020-1031397, 020 *(Weapon) in Gun Box*
- 022 - Firearm - 9mm - Smith & Wesson M&P TCSO-1 M2.0 - P00020-1031398, 022 *(Weapon) in Gun Box*
- 023 - 9mm magazines TCSO-2 - P00020-1031399, 023 *(Other Property) in Envelope*
- 024 - Firearm - .223 - Colt AR-16 TCSO-3 .223 - P00020-1031400, 024 *(Weapon) in Gun Box*
- 025 - GSR Sample from Everett Martin - both hands - P00020-1031432, 025 *(Other Property) in Envelope*
- 026 - Swab from right hand fingernails - Everett Martin - P00020-1031433, 026 *(Other Property) in Envelope*
- 027 - Swab from left hand fingernails - Everett Martin - P00020-1031434, 027 *(Other Property) in Envelope*
- 028 - Swabs from the knuckles and palm of the right hand - Everett Martin - P00020-1031435, 028 *(Other Property) in Envelope*
- 029 - Swabs from the knuckles and palm of the left hand - Everett Martin - P00020-1031436, 029 *(Other Property) in Envelope*
- 030 - One pair of gray and black handcuffs - P00020-1031437, 030 *(Other Property) in Envelope*

- 031 - One blue jacket - P00020-1031438, 031 *(Other Property) in Brown Paper Bag*
- 032 - One black hooded sweatshirt - P00020-1031439, 032 *(Other Property) in Brown Paper Bag*
- 033 - One blue long sleeve shirt - P00020-1031440, 033 *(Other Property) in Brown Paper Bag*
- 034 - One blue pair of jeans - P00020-1031441, 034 *(Other Property) in Brown Paper Bag*
- 035 - One black belt - P00020-1031442, 035 *(Other Property) in Brown Paper Bag*
- 036 - One pair red and white underwear - P00020-1031443, 036 *(Other Property) in Brown Paper Bag*
- 037 - One white sock - P00020-1031444, 037 *(Other Property) in Brown Paper Bag*
- 038 - One white sock - P00020-1031445, 038 *(Other Property) in Brown Paper Bag*
- 039 - One right boot - P00020-1031446, 039 *(Other Property) in Brown Paper Bag*
- 040 - One left boot - P00020-1031447, 040 *(Other Property) in Brown Paper Bag*
- 041 - One envelope containing misc trace evidence, fragments, blood stain card, and hair samples - P00020-1031448, 041 *(Other Property) in Envelope*
- 042 - One envelope containing buccal swabs - Everett Martin - P00020-1031449, 042 *(Other Property) in Envelope*
- 043 - Collection of DNA swabs taken from Matrix Item 20 / Lab Item 9 - P00020-1032164, 043 *(Biological Evidence) in Clear Evidence Bag*

PACKAGING

- 007 - ***Envelope C00020-1018315 - Sealed***
- 007 - .223 cartridge case CS-7
- 006 - ***Envelope C00020-1018314 - Sealed***
- 006 - .223 cartridge case CS-6
- 005 - ***Envelope C00020-1018313 - Sealed***
- 005 - 9mm cartridge case CS-5
- 004 - ***Envelope C00020-1018312 - Sealed***
- 004 - 9mm cartridge case CS-4
- 003 - ***Envelope C00020-1018311 - Sealed***
- 003 - 9mm cartridge case CS-3
- 043 - ***Clear Evidence Bag C00020-1018888 - Sealed***
- 043 - Collection of DNA swabs taken from Matrix Item 20 / Lab Item 9
- 042 - ***Envelope C00020-1018379 - Sealed***
- 042 - One envelope containing buccal swabs - Everett Martin
- 041 - ***Envelope C00020-1018378 - Sealed***
- 041 - One envelope containing misc trace evidence, fragments, blood stain card, and hair samples
- 040 - ***Brown Paper Bag C00020-1018377 - Sealed***
- 040 - One left boot
- 002 - ***Envelope C00020-1018310 - Sealed***
- 002 - 9mm cartridge case CS-2
- 039 - ***Brown Paper Bag C00020-1018376 - Sealed***
- 039 - One right boot
- 038 - ***Brown Paper Bag C00020-1018375 - Sealed***
- 038 - One white sock
- 037 - ***Brown Paper Bag C00020-1018374 - Sealed***
- 037 - One white sock
- 036 - ***Brown Paper Bag C00020-1018373 - Sealed***
- 036 - One pair red and white underwear
- 035 - ***Brown Paper Bag C00020-1018372 - Sealed***
- 035 - One black belt
- 034 - ***Brown Paper Bag C00020-1018371 - Sealed***
- 034 - One blue pair of jeans

033 - **Brown Paper Bag C00020-1018370 - Sealed**
033 - One blue long sleeve shirt

032 - **Brown Paper Bag C00020-1018369 - Sealed**
032 - One black hooded sweatshirt

031 - **Brown Paper Bag C00020-1018368 - Sealed**
031 - One blue jacket

030 - **Envelope C00020-1018367 - Sealed**
030 - One pair of gray and black handcuffs

001 - **Envelope C00020-1018309 - Sealed**
001 - 9mm cartridge case CS-1

029 - **Envelope C00020-1018366 - Sealed**
029 - Swabs from the knuckles and palm of the left hand - Everett Martin

028 - **Envelope C00020-1018365 - Sealed**
028 - Swabs from the knuckles and palm of the right hand - Everett Martin

027 - **Envelope C00020-1018364 - Sealed**
027 - Swab from left hand fingernails - Everett Martin

026 - **Envelope C00020-1018363 - Sealed**
026 - Swab from right hand fingernails - Everett Martin

025 - **Envelope C00020-1018362 - Sealed**
025 - GSR Sample from Everett Martin - both hands

024 - **Gun Box C00020-1018330 - Sealed**
024 - Firearm - .223 - Colt AR-16 TCSO-3 .223

023 - **Envelope C00020-1018329 - Sealed**
023 - 9mm magazines TCSO-2

022 - **Gun Box C00020-1018328 - Sealed**
022 - Firearm - 9mm - Smith & Wesson M&P TCSO-1 M2.0

020 - **Gun Box C00020-1018327 - Sealed**
020 - Firearm - 9mm CS-20 - Taurus G2C

019 - **Envelope C00020-1018326 - Sealed**
019 - Less-lethal shot shell CS-19

018 - **Envelope C00020-1018325 - Sealed**
018 - Fragment CS-18

017 - **Envelope C00020-1018324 - Sealed**
017 - Magazine w/9x19 SX cartridges CS-17

016 - **Envelope C00020-1018323 - Sealed**
016 - Fragments CS-16

014 - **Envelope C00020-1018322 - Sealed**
014 - Pocket knife CS-14

013 - **Envelope C00020-1018321 - Sealed**
013 - 9x19 SX cartridge case CS-13

012 - **Envelope C00020-1018320 - Sealed**
012 - Knit hat w/fragment CS-12

011 - **Envelope C00020-1018319 - Sealed**
011 - Fragment CS-11

010 - **Envelope C00020-1018318 - Sealed**
010 - Fragment CS-10

009 - *Envelope C00020-1018317 - Sealed*

009 - Fragment CS-9

008 - *Brown Paper Bag C00020-1018316 - Sealed*

008 - Bottle of Vodka CS-8

Not contained

Mobile Phone - Blue Motorola Moto e (2020) XT2052DL P00020-1031367, 015

Mobile Phone - Black BLU View 2 BL 130DL P00020-1031369, 021

X SA  83
Released From

X 
Received By

2/28/23 1035
Date Time