



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, 44656

Investigative Activity: Garrity Review for Report 22-01384

Activity Date: November 10, 2022

Authoring Agent: Special Agent Cory Momchilov #64

Narrative:

Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) Cory Momchilov (Momchilov) was requested to review a Tuscarawas County Sheriff's Office report for any potential Garrity Rights information. SA Momchilov was not provided any details of this incident, nor did he have any prior knowledge of this incident.

SA Momchilov was forwarded the following document:

Tuscarawas County Sheriff's Office-Case P22-01384 (27 pages)

SA Momchilov reviewed the report. SA Momchilov felt that some sections of the report may contain Garrity Rights information. SA Momchilov blacked out the information that he felt may be Garrity Rights information.

The edited report is attached to this Investigative Report. The case agent in this investigation may review the edited report.



TUSCARAWAS COUNTY SHERIFF'S OFFICE

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

Case P22-01384 - UNAPPROVED DRAFT

Printed on October 20, 2022

| | |
|---------------------------------|--|
| Status | Active |
| Report Type | Patrol |
| Primary Officer | Adam Fisher |
| Investigator | None |
| Reported At | 09/28/22 09:25 |
| Incident Date | 09/28/22 09:25 |
| Incident Code | PROT ORDER : PROTECTION ORDER VIOLATION |
| Location | 5611 E 3RD ST, MINERAL CITY, OH 44656 |
| Zone | 4M Mineral City Village - Sandy Township |
| Beat | |
| Court | None |
| Referral County | None |
| Disposition | Pending Investigation (Open) |
| Disposition Date/Time | 09/29/22 09:13 |
| Review for Gang Activity | None |

Offense Information

Offense Felonious Assault _ victim seriously harmed
Statute 2903.11A1
NIBRS Code 13A - Aggravated Assault
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 Handgun

Offense Violate Protection Order or Consent Agreement _ approved pursuit to 2919.26 or 3113.31
Statute 2919.27A1
NIBRS Code 90Z-I - All Other Offenses (Crime Against Person)
Counts 1
Offense Details M1
Include In NIBRS Yes
Completed Yes
Details Offender(s)
 Used
 Alcohol
Bias Motivation No Bias/Not Applicable
Location Single Family Home
Entry Forced No

Offender

MARTIN, EVERETT MICHAEL

Male, DOB 3/21/79

5611 E 3RD ST
MINERAL CITY, OH 44656

5' 8", 220lbs
Brown eyes, Black hair
Complexion: Fair
Race: White

OLN: OH [REDACTED] Exp 2025

SSN: [REDACTED]

Additional Jacket #: 202200502

Jail ID: 990835

FBI #: [REDACTED]

BCI #: [REDACTED]

BCI #: [REDACTED]

SSN: [REDACTED]

SSN: [REDACTED]

2903.11A1 - Felonious Assault _ victim seriously harmed

2919.27A1 - Violate Protection Order or Consent Agreement _ approved pursuit to 2919.26 or 3113.31 - M1

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
Race: White

OLN: OH [REDACTED] Exp 2023

SSN: [REDACTED]

2919.27A1 - Violate Protection Order or Consent Agreement _ approved pursuit to 2919.26 or 3113.31 - M1

[REDACTED] DET. SGT. [REDACTED]

Male, DOB 4/13/86

C/O TUSC CO SHERIFF'S OFFICE

(330) 339-2000 Business

Race: White

2903.11A1 - Felonious Assault _ victim seriously harmed

2903.11A1 - Felonious Assault _ victim seriously harmed



2903.11A1 - Felonious Assault _ victim seriously harmed



Male, DOB 7/21/79
2295 REISER AV SE
NEW PHILADELPHIA, OH 44663
(330) 339-2000 Business
5' 7", 180lbs
Blue eyes, Bald hair
Race: White

2903.11A1 - Felonious Assault _ victim seriously harmed



Male, DOB 2/13/78
2295 REISER AV SE
NEW PHILADELPHIA, OH 44663
(330) 339-2000 Business
Brown eyes, Brown hair
Race: White

2903.11A1 - Felonious Assault _ victim seriously harmed

Vehicles

GEV7534 OH - (Suspect's)
2009 Blue Ford F150 Series
Owner EVERETT MICHAEL MARTIN

JLT9410 OH - (Victim's)
2015 White Ford
Owner COURTNEY D DIGENOVA

Case Forms

- Attached Document 9/29/22 - Inventory-Receipt S&W, Mags & Colt
- Attached Document 9/29/22 - Crime Scene Log
- * Initial Narrative 9/29/22 by Adam Fisher
- Supplemental Narrative 9/29/22 by [REDACTED]
- Domestic Violence Incident (DVI) (DVI) 9/30/22
- Attached Document 9/30/22 - Protection Order
- Attached Document 9/30/22 - Protection Order Service Paper
- Attached Document 9/30/22 - Protection Order - gun receipt
- Attached Document 9/30/22 - Protection Order - signed by Martin 9-19-22
- Attached Document 9/30/22 - Judgment Entry for Case CRB 2200686A&B
- Attached Document 10/3/22 - Cuyahoga County Regional Forensic Science Lab Report
- Supplemental Narrative 10/5/22 by Adam Fisher
- Attached Document 10/5/22 - Bureau of Alcohol, Tobacco, Firearms & Explosives - Hochsteter
- Victim Form for DIGENOVA, COURTNEY D

Victim Form for [REDACTED]

Victim Form for [REDACTED]

Victim Form for [REDACTED]



TUSCARAWAS COUNTY SHERIFF'S OFFICE

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

Initial Narrative

Printed on October 20, 2022

Initial Report By Adam Fisher

Case #P22-01384 Typed By Kelly McCune

On Wednesday, September 28th, 2022 at approximately 0925 hours, the Tuscarawas County Sheriff's Office received a call from Courtney DiGenova reporting that her ex-boyfriend, Everett Martin, was at her residence.

Courtney further advised that she has a Protection Order against Everett. This Protection Order stems from an incident that occurred on September 18th, 2022, where Everett was arrested for Domestic Violence (R.C. §2919.25 (C)) and Aggravated Menacing (R.C. §2903.21). Everett had made a series of threats which were both texted to Courtney's cell phone and left in a voicemail message. Everett was arraigned the following day on September 19th, 2022 at the New Philadelphia Municipal Court for these offenses and an Order of Protection was issued (CRB 2200686A-B).

The Protection Order included the typical provisions which are normally included and require that Everett turn over all deadly weapons to the Sheriff's Office no later than September 19th, 2022.

Prior to Everett's release from the Tuscarawas County Jail, he was fitted with a SCRAM bracelet which monitors his alcohol consumption and he was transported to the residence he shares with Courtney located at 5611 3rd Street, NE, Mineral City, Ohio, by Sergeant [REDACTED] and Deputy [REDACTED].

Upon arrival at the 3rd Street address, Everett was formally served with his Protection Order. A total of six (6) firearms were seized at the direction of the Protection Order along with one (1) house key. Everett was then made to vacate the residence.

As a result from the call from Courtney today, Units responded to 5611 3rd Street, NE, and made contact with Everett M. Martin (OLN: [REDACTED]) who was standing on the northeast side of the residence near a rear entry door under a covered patio. Almost immediately Everett began making suicidal statements suggesting that he had a knife in his possession and that he was going to slit his throat or wrists in an attempt to kill himself.

At this point, it was Sergeant [REDACTED] and Deputy [REDACTED] (the same Deputies who served the Protection Order) who were on scene. Sergeant [REDACTED] began to attempt to deescalate the situation speaking with Everett while also calling for additional Units to respond.

Hearing the call for assistance, Detective Sergeant [REDACTED] who was previously in route to the crime lab, responded and first to arrive on scene soon followed by Lieutenant [REDACTED], Deputy [REDACTED] and Deputy Megan Cox. At this time, Deputy [REDACTED], Sergeant [REDACTED] and Detective [REDACTED]

Sergeant [REDACTED] positioned themselves within the front (south side) of the residence facing Everett and in line with one another.

At some point, Lieutenant [REDACTED] and Deputy [REDACTED] proceeded around the west side of the fenced in yard climbing over the fence and positioned themselves behind a fuel oil tank in the backyard of the residence. Deputy [REDACTED] staged near the area where Lieutenant [REDACTED] and Deputy [REDACTED] had previously climbed over the fence.

With Units in position, Sergeant [REDACTED] continued to speak with Everett in an effort to gain his compliance. During that conversation, Sergeant [REDACTED] questioned Everett as to the possession of any weapons on his person. Everett confirmed to Sergeant [REDACTED] that he had a knife and when specifically asked about a firearm he denied having a gun on his person.

As the conversation progressed, Everett is said to have said "I will blow my head off" and he was almost immediately again confronted as to whether or not he had a gun in his possession. Everett denied having a firearm for a second time. The negotiations continued and quickly escalated as Everett turned around and attempted to force entry into the rear door of the residence.

In response to his actions, Lieutenant [REDACTED] fired one (1) less lethal bean bag round from the rear of the residence striking Everett in the lower left back. It is reported that Everett had little to no reaction to being struck by the bean bag round; [REDACTED] Sergeant [REDACTED] and Detective Sergeant [REDACTED] in the front yard pulling a black semiautomatic handgun from his right front jacket pocket, firing at least one (1) round toward the three (3) Deputies.

Sergeant [REDACTED] and Detective Sergeant [REDACTED] took positions of cover [REDACTED]

[REDACTED] Everett was ultimately struck by the bullets shot by Deputies neutralizing the threat. Deputies approached Everett, removing the black handgun from the immediate area and applying handcuffs.

Immediate action was then taken to render first aid to Everett; however, all life saving measures were ultimately unsuccessful and Everett was confirmed to be deceased by Emergency Personnel who were on standby.

The Tuscarawas County Coroner's Office was contacted and Investigators Clarke and Stanley both responded to the scene.

Within a short time, word had travelled around the Village of Mineral City and Everett's sister, Betsy Martin (DOB: 02/22/1975) and mother, Nancy Martin arrived on scene. Upon speaking with the two (2), Betsy indicated that she had last spoken with Everett the previous evening (September 27th, 2022 at approximately 2130 hours). Everett was staying with Nancy & Betsy at 8456 S. High Street, Mineral City, which is where Nancy and Betsy reside together.

Betsy said during her conversation with Everett, he told her that Courtney had been texting him. He said that he could not take it any more and that marijuana was the only thing keeping him from killing someone. Everett also reported that he could not wait to get the SCRAM bracelet off so that he could drink and the

day that happened he indicated to Betsy that she needed to take their Mother and the dogs and leave. Everett stated to Betsy that he wanted the bracelet off so he could go get drunk and that he was going to return to his home. It was said that Everett did not care about the repercussions of violating the Protection Order and advised others to call the Sheriff's Office for when Deputies showed up he was not going peacefully and he would be taken out of the area in a body bag.

Betsy said that she saw Everett at approximately 0700 hours on September 28th, 2022 when she went to the restroom in the hall and he was about to use the same bathroom to take a shower and get ready for work.

Following my conversation with Betsy, I had the opportunity to speak with Courtney DiGenova (DOB: 11/28/1974). Courtney indicates that she and Everett have lived in the current house located at 5611 3rd Street, NE, for the last twelve (12) to thirteen (13) years and that they have been in a relationship for the last fifteen (15) years.

Courtney reports that Everett has an alcohol problem and their relationship became volatile near the beginning of September. Courtney says that she gave Everett an ultimatum that he stop drinking or that she was going to terminate the relationship. Courtney says that Everett stopped all alcohol consumption for approximately two (2) weeks and then began drinking again.

The couple were involved in an argument around the time Everett started drinking and Courtney says that she left the residence and stayed with a friend in an attempt to avoid any further altercations.

Courtney has three (3) dogs in the home two (2) Mastiffs and one (1) St. Bernard. Courtney relayed that Everett's son, Noah Martin, had been staying at the residence taking care of the animals and she had not returned at all until September 22nd, 2022. This was after the Protection Order had been issued and Everett's keys taken to the residence.

During the time that she was home on September 22nd, 2022, Courtney reports hearing a noise and when she went to investigate she found Everett standing in the kitchen of the home. She said that he held up a debit card in his hand and advised her that he got into the house by slipping the lock. Courtney said the two (2) argued for approximately two (2) hours. During this time, he threatened to kill himself and her if she told anybody that he was there. He also communicated that Courtney had ruined his life and that he was facing ten (10) years in prison. Courtney said that while the two (2) were arguing, she attempted to keep the altercation as nonconfrontational as possible because she feared that it would escalate.

Courtney also revealed that several of her friends were concerned about her during the time of her relationship with Everett and they had recently started showing up at her home unannounced if she did not answer their calls or texts. Courtney's friends did this in an attempt to protect her from Everett.

Nearing the end of the two (2) hour argument with Everett on September 22nd, 2022, Courtney stated that she told Everett her friend would be coming to the house. Everett responded to Courtney with "go ahead and call her". Courtney said she advised Everett that he would be in trouble if he was still at the home when her friend arrived and that he needed to leave to avoid any further law enforcement involvement. At this time, Courtney said that Everett left the residence.

Courtney said that she did not report this particular incident to law enforcement because she felt bad about the consequences Everett had received for the previous threats and the fact that he had threatened to kill her and others. Courtney also communicated that Everett had told her at one point that he did not care what happens to him for coming to the house and that he would go out in a body bag. Courtney reported that she changed the locks to the home on September 25th, 2022.

When exploring today's incident, Courtney advised that she currently works at Cleveland Clinic Union Hospital as a nursing assistant. She stated she left work at approximately 0703 hours and went to Wal-Mart to pick up some groceries. Wal-Mart did not have everything that she needed so she then proceeded to Giant Eagle to finish her shopping.

After her time at Giant Eagle, Courtney said that she returned home, she let her dogs out and unloaded her truck of the previously purchased groceries. Shortly after coming back into the house, Courtney witnessed a knock at the door. This knock came from the door on the northeast side of the home which is the only door used for entry into the home.

Immediately Courtney said she called her friend Holly, who encouraged her to look outside and see who was knocking. Courtney communicated that she was afraid to even look outside; however, walked up stairs to the second story of the home looking out the front (south) window and observed Everett's blue Ford pick-up truck sitting in front. Holly then demanded that Courtney call the Sheriff's Office and she complied.

Courtney said once the Sheriff's Deputies arrived she stayed upstairs in the spare bedroom. She could hear some type of conversation taking place outside but did not witness the exact words that were being said due to the walls of the house and the distance she was from their location.

At some point, Courtney said she hear shots being fired. She recalls approximately eight (8) shots but she said she couldn't see anything. She stayed inside the house until Central Dispatch contacted her on the phone requesting that she go outside and speak with Deputies.



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PHONE: (330) 339-2000 * FAX: (330) 339-4432

Supplemental Narrative

Printed on October 20, 2022

Supplemental Report By [REDACTED]

Case #P22-01384

Typed By [REDACTED]

On September 28, 2022 I was traveling northbound on Interstate 77 just south of the Bolivar/Zoar exit when I heard Sgt. [REDACTED] advise over the radio that he needed more units to respond to the Mineral City location that he and Deputy [REDACTED] were currently at. I was aware that Sgt. [REDACTED] and Deputy [REDACTED] were dealing with a protection order violation call for service dealing with Mr. Everett Martin. I immediately began to head to the 3rd St Mineral City location in an effort to assist units on scene. While en-route to Mineral City I heard Sgt. [REDACTED] advise over the radio that Mr. Martin was in possession of a knife and that he had made comments about committing suicide. I activated my overhead lights and sirens on car 154 and proceeded to the 3rd St incident location in as quick and safe manner as I could. Upon arrival to the 3rd St location I observed Sgt. [REDACTED] and Deputy [REDACTED] standing on the walk way that leads up to the residences back door area. I also observed Mr. Everett Martin standing on the opposite side of a fence that enclosed that back patio area and back yard area. I proceeded to try to locate a way to get into the back yard area of the property however I found that it was enclosed entirely by a fence. I then began to walk around the fence to walk back to the front of the residence and I saw Lt. [REDACTED] standing with a less lethal shotgun. I waived Lt. [REDACTED], Deputy [REDACTED], and Deputy Megan Cox over to my location as they all arrived at approximately the same time. I advised Lt. [REDACTED] that I thought if units climbed over the fence to the left side of the residence that they could approach Mr. Martin and use less lethal bean bag rounds on him in order to subdue him. After a short investigation into the best way to get into the back yard area of the residence Lt. [REDACTED], Deputy [REDACTED], and Deputy Cox walked around the left side of the residence out of my sight in order to locate a point in which they were going to scale the fence. Prior to units walking away from me Deputy Cox had handed me Lt. [REDACTED]'s less lethal shotgun as it appeared to be malfunctioning initially. As I was walking back to the front of the residence I determined that the less lethal shotgun that I was holding had a live less lethal bean bag round in the chamber and would function properly. I then positioned myself at the front of the residence near Sgt. [REDACTED] and Deputy [REDACTED]. At this time I could not see Mr. Martin as there was a large amount of vegetation growth on the right side of the residence between Mr. Martin and I. I held this position as I listened to Sgt. [REDACTED] attempt to de-escalate Mr. Martin from wishing to harm himself. Moments passed as Sgt. [REDACTED] was speaking to Mr. Martin and I heard Lt. [REDACTED] yell something to Mr. Martin and then I heard the less lethal shotgun go off. I immediately stepped closer to Sgt. [REDACTED]'s position in order to gain a better view point of Mr. Martin and readied myself to deploy less lethal bean bag rounds on Mr. Martin. At this time I heard Sgt. [REDACTED] yelling "he has a gun, he has a gun!". I then dropped the less lethal shotgun I was holding and began to draw my service pistol. As I was drawing my service pistol I heard several gunshots go off. I felt that shots were being fired in our direction however I did not discharge my duty weapon as I could not see the actions of Mr. Martin due to the vegetation between us. After the shots ceased, I rounded the overgrown vegetation with my service pistol in hand and began to give loud verbal commands to Mr. Martin to not move. I observed Mr. Martin to have a gunshot wound to his head and he was losing substantial amounts of blood from his facial area. I then ran to my patrol vehicle and retrieved my first aid bag in order to give Mr. Martin medical aid. I ran back to Mr. Martin's location on the back patio area of the residence and grabbed a package of gauze out of my first aid bag. I opened the gauze package and turned toward Mr. Martin. At this time I heard Deputy [REDACTED] state that we needed to place handcuffs on Mr. Martin. I grabbed Mr. Martin's right arm between his shoulder and elbow and pulled him away from the door and onto his stomach. As I was attempting to place Mr. Martin on his stomach it became very apparent to me that he was already deceased as his body was completely limp and I observed more blood loss coming from him and around him. I observed no signs of life at this point as units began the cuffing process of Mr. Martin. I determined that any first aid that I could provide was not going to accomplish anything and I walked back to my patrol car at that time to gather myself. After a short time, I proceeded to surround the area with crime scene barrier tape in an effort to control foot traffic through the scene of the shooting incident. After B.C.I. agents arrived and at the direction of Lt. Fisher I cleared from the scene at 1146hrs.



TUSCARAWAS COUNTY SHERIFF'S OFFICE

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

Supplemental Narrative

Printed on October 20, 2022

Supplemental Report By Adam Fisher

Case #P22-01384

Typed By Adam Fisher

The firearm used by Everett Martin is registered to Mahlon E. Hochstetler from Loudonville. The firearm was purchased on 8/31/2022.

Contact was made with Mahlon () who advised that he "collects" a lot of firearms and sells some at local flea markets. Mahlon stated that he does not recall the exact firearm in question, but reported that he most recently sold firearms at the Lima Flea Market on the weekend of September 3rd and 4th.

Mahlon does not keep any records of who he sold firearms to, what make or model of the firearm sold was and provides no receipts for the purchase.

PROTECTION ORDER NOTICE TO NCIC (Required fields appear in bold print)

- Initial NCIC Form Amended NCIC Form Removal from NCIC
- Service Completed (Law Enforcement Agency: If unchecked, presume Service Unknown)

Pursuant to Rules 10.01, 10.02, 10.03, and 10.05 of the Rules of Superintendence for the Courts of Ohio, this information shall be promptly entered into the National Crime Information Center Index.

SUBJECT NAME MARTIN EVERETT M
 (LAST) (FIRST) (M.I.)
 ADDRESS 5611 3RD ST NE MINERAL CITY OH 44656
 (STREET) (CITY) (STATE) (ZIP)

PHYSICAL DESCRIPTION: HGT 5'08 WGT 185 HAIR BLK
 EYES BRO RACE WH SEX M

NUMERICAL IDENTIFIER (NOTE: Only ONE of the 4 numerical identifiers is needed.)

1. SSN [REDACTED] 2. DOB 03-21-1979
 3. DRIVER'S LIC. NO. _____ STATE _____ EXPIRATION YR. _____
 4. VEHICLE LIC. NO. _____ STATE _____ EXPIRATION YR. _____

(* If #3 or #4 is used as a numerical identifier, entire line MUST be completed.)

BRADY DISQUALIFIERS:

Pursuant to 18 U.S.C. 922(g)(8), a "yes" response to all three Brady questions disqualifies the subject from purchasing or possessing any firearms, including a rifle, pistol, revolver, or ammunition.

- Does the Order protect an intimate partner or child(ren)? YES NO
- Did the subject have notice of the hearing and opportunity to participate in the hearing regarding the Order? YES NO
- Does the Order find the subject a credible threat or explicitly prohibit physical force? YES NO

CASE / ORDER NO. CRB 2200686 A-B Is order term of probation/
 community control? YES NO
 COURT ORIGINATING AGENCY IDENTIFIER OHO79081J (9 DIGIT ORI ASSIGNED BY NCIC)
 NAME OF JUDGE/MAGISTRATE Nanette D. VonAlman / Mag. Weiner
 DATE OF ORDER 08/19/2022 EXPIRATION OF ORDER non-exp
 (IN R.C. 2919.26 AND 2903.213 CASES, "NONEXP" MAY BE USED)

TERMS AND CONDITIONS OF ORDER (Mark all that are applicable):

- 01 The subject is restrained from assaulting, threatening, abusing, harassing, following, interfering, or stalking the protected person and/or the child(ren) of the protected person.
- 02 The subject shall not threaten a member of the protected person's family or household.
- 03 The protected person is granted exclusive possession of the residence or household.
- 04 The subject is required to stay away from the residence, property, school, or place of employment of the protected person or other family or household member.
- 05 The subject is restrained from making any communication with the protected person, including but not limited to, personal, written, or telephone contact, or their employer, employees, or fellow workers, or others with whom the communication would be likely to cause annoyance or alarm the victim.
- 06 The subject has visitation or custody rights of the child(ren) named in this Order.
- 07 The subject is prohibited from possessing and/or purchasing a firearm or other weapon as identified in the Miscellaneous Field.
- 08 See the Miscellaneous Field for comments regarding the specific terms and conditions of this Order.

Miscellaneous comments: Defendant must turnover all deadly weapons to the Tuscarawas Co. Shf. by 9/19/22. Defendant has 5 shotguns, possibly more at the residence. Defendant must stay 500 feet away from Protected Person.

~~09 The protected person is awarded temporary exclusive custody of the child(ren) named.~~

OHP DATA

ONLY

#EPO

LIST ALL PROTECTED PERSONS (Total of 9 allowed. SSN is NOT necessary if DOB is given.)

PROTECTED PERSON DIGENOVA COURTNEY
 (LAST) (FIRST) (M.I.)
 DOB 11 / 28 / 1974 SSN _____ RACE _____
 SEX M F

PROTECTED PERSON _____
 (LAST) (FIRST) (M.I.)
 DOB _____ / _____ / _____ SSN _____ RACE _____
 SEX M F

PROTECTED PERSON _____
 (LAST) (FIRST) (M.I.)
 DOB _____ / _____ / _____ SSN _____ RACE _____
 SEX M F

PROTECTED PERSON _____
 (LAST) (FIRST) (M.I.)
 DOB _____ / _____ / _____ SSN _____ RACE _____
 SEX M F


PROTECTED PERSON _____
 (LAST) (FIRST) (M.I.)
 DOB _____ / _____ / _____ SSN _____ RACE _____
 SEX M F

PROTECTED PERSON _____
 (LAST) (FIRST) (M.I.)
 DOB _____ / _____ / _____ SSN _____ RACE _____
 SEX M F

PROTECTED PERSON _____
 (LAST) (FIRST) (M.I.)
 DOB _____ / _____ / _____ SSN _____ RACE _____
 SEX M F

PROTECTED PERSON _____
 (LAST) (FIRST) (M.I.)
 DOB _____ / _____ / _____ SSN _____ RACE _____
 SEX M F

PROTECTED PERSON _____
 (LAST) (FIRST) (M.I.)
 DOB _____ / _____ / _____ SSN _____ RACE _____
 SEX M F

Authorized by (signature):  09/19/2022
 -Judge/Magistrate (circle one) Date

NEW PHILADELPHIA MUNICIPAL COURT

SEP 19 2022

CLERK JULIE A. STAMETS

IN THE NEW PHILADELPHIA MUNICIPAL COURT TUSCARAWAS COUNTY, OHIO

Order of Protection

Per R.C. 2903.213(G)(3), this Order is indexed at

Case No. **CRB 2200686 A-B**

Judge **Nanette DeGarmo VonAllman**

State **OHIO**

**CRIMINAL PROTECTION ORDER (CRPO)
(R.C. 2903.213)**

New Order Modification of Previous Order

**TCSO
LAW ENFORCEMENT AGENCY WHERE INDEXED**

**330-339-2000
PHONE NUMBER**

**STATE OF OHIO/
CITY OF**

v.

**Martin, Everett M
DEFENDANT**

PERSON(S) PROTECTED BY THIS ORDER:

ALLEGED VICTIM:

Alleged Victim **COURTNEY DIGENOVA** DOB: **11/28/1974**

Alleged Victim's Family or Household Members:
(Additional forms attached)

COURTNEY DIGENOVA
First Middle Last

v.

DEFENDANT:

DEFENDANT IDENTIFIERS

EVERETT M MARTIN
First Middle Last

| | | | |
|-------------------|-----------|------------|-----|
| SEX | RACE | HGT | WGT |
| M | WH | 5'08 | 185 |
| EYES | HAIR | DOB | |
| BRO | BLK | 03-21-1979 | |
| DRIVER'S LIC. NO. | EXP. DATE | STATE | |
| | | | |

Address where Defendant can be found:

Distinguishing features:

WARNING TO LAW ENFORCEMENT: DEFENDANT HAS FIREARMS ACCESS - PROCEED WITH CAUTION

Ex Parte CRPO Granted: _____ (Date)

CRPO Granted: 9 1 19 22 (Date)

Violence Against Women Act, 18 U.S.C. 2265, Federal Full Faith & Credit Declaration: Registration of this Orders not required for enforcement.

THE COURT HEREBY FINDS:

That it has jurisdiction over the parties and subject matter, and the Defendant was provided with reasonable notice and opportunity to be heard within the time required by Ohio law. Additional findings of this Order are set forth below.

THE COURT HEREBY ORDERS:

That the above named Defendant be restrained from committing acts of abuse or threats of abuse against the Alleged Victim and other protected persons named in this Order. Additional terms of this Order are set forth below.

WARNING TO DEFENDANT: See the warning page attached to the front of this Order.

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 EX PARTE CRPO | _____ JUDGE | _____ DATE EX PARTE CRPO |
| <i>A. Hui</i> _____ MAGISTRATE | <i>9/19/22</i> _____ 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. Sheriff

Sheriff's Office / Police Department:

Other: _____

Law Enforcement Agency to enter into LEADS: *SHF*

Service acknowledged:

_____ DEFENDANT

_____ 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



NEW PHILADELPHIA
MUNICIPAL COURT

Date:

SEP 19 2022

CLERK
JULIE A. STAMETS

To:

Tusc. Cty Sheriff Dept

Attached you will find an Order of Protection for your agency to:

Enter into LEADS.

This order requires your agency to seize firearms.

The Notice of Receipt included with this order must be completed and returned to the New Philadelphia Municipal Court within 24 hours.

Thank you

Criminal Protection Order

Court Date:

New Phila Municipal Court
Docket # CRB2200686AB
Protection Order # PO202200240
TCSO OCA # P22240

Date Issued
09/19/22

MARTIN, EVERETT MICHAEL
5611 E 3RD ST
MINERAL CITY, OH 44656

Comments:

BRADY YES 500 FEET FROM PP 01 02 03 04 05 07 08

PERSONAL SERVICE - MUST SURRENDER KEYS & GARAGE DOOR OPENERS TO 5611 E 3RD ST MINERAL CITY AND FIREARMS/DEADLY WEAPONS TO OUR OFFICE

W 9-19-22 7920 P/S

After service, return this sheet to Civil.

Protection Order Module

- ✓ add attempt
- ✓ change status



TUSCARAWAS COUNTY SHERIFF'S OFFICE

2295 REISER AVENUE SE
NEW PHILADELPHIA, OHIO 44663
PHONE 330.339.2000 • FAX 330.339.4432

CIVIL, CRIMINAL, ANTI-STALKING ORDER, POST CONVICTION NO CONTACT ORDER DATING VIOLENCE, SERVICE RECEIPT

Respondent: Everett M. Martin Case Number: CRB2200686AB

Issuing Court: Municipal Tuscarawas County Court
 Tuscarawas Common Pleas Other _____

Pursuant to an ex parte or full hearing civil or criminal protection order issued pursuant to R.C. 2151.34, 2903.213, 2903.214, 2919.26 or 3113.31, law enforcement was instructed to notify the Court upon receiving Respondent's deadly weapons, including firearms and ammunition for protective custody.

The Sheriff's Office will maintain full control over any seized weapons and will release said weapons upon receipt of a court order so designating. For obtaining a release of said weapons from the Sheriff's Office, after securing a court order for their release, you must contact the Sheriff's Office, Monday through Friday between 8:00am and 4:00pm at 330-339-2000.

_____ COURT ORDER DOES NOT REQUIRE SEIZURE OF WEAPONS.

Below is an inventory of any weapons and property seized, pursuant to the Court Order.

| ITEM | SERIAL NUMBER |
|------------------------------|-----------------|
| Winchester 1300 12g | C280 0166 |
| Boys Double barrel 12g | |
| Champion 12g single shot | FBIH |
| COND utility gun SO&C muzzle | 61-13-025893-90 |
| DRISIN 12g muzzle loader | |
| COND utility gun SO&C muzzle | |

PLACE ANY ADDITIONAL ITEMS ON A PROPERTY RECEIPT FORM

1 Number of House Keys Number of Garage Door Openers

Vehicle _____ Description _____

Respondent vacated residence pursuant to Court Order

X _____ Respondent denies having any deadly weapons in their possession.

Deputy's Initials

I have received a copy of this receipt form [Signature]
Respondent Signature

Refused Signature

[Signature] 7970 9-19-22
Order Served By Date and Time



TUSCARAWAS COUNTY SHERIFF'S OFFICE

2295 REISER AVENUE SE
NEW PHILADELPHIA, OHIO 44663
PHONE 330.339.2000 • FAX 330.339.4432

CIVIL, CRIMINAL, ANTI-STALKING ORDER, POST CONVICTION NO CONTACT ORDER DATING VIOLENCE, SERVICE RECEIPT

Respondent: EVERETT M. MARTIN Case Number: CRB2200686 A-B

Issuing Court: Municipal Tuscarawas County Court
 Tuscarawas Common Pleas Other _____

Pursuant to an ex parte or full hearing civil or criminal protection order issued pursuant to R.C. 2151.34, 2903.213, 2903.214, 2919.26 or 3113.31, law enforcement was instructed to notify the Court upon receiving Respondent's deadly weapons, including firearms and ammunition for protective custody.

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~~_____ COURT ORDER DOES NOT REQUIRE SEIZURE OF WEAPONS.~~

Below is an inventory of any weapons and property seized, pursuant to the Court Order.

| <u>ITEM</u> | <u>SERIAL NUMBER</u> |
|-------------|----------------------|
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |
| | |

PLACE ANY ADDITIONAL ITEMS ON A PROPERTY RECEIPT FORM

_____ Number of House Keys _____ Number of Garage Door Openers

Vehicle _____
Description _____

Respondent vacated residence pursuant to Court Order

X _____ Respondent denies having any deadly weapons in their possession.
Deputy's Initials

I have received a copy of this receipt form *Everett Martin*
Respondent Signature

Refused Signature

Robert W. ... Order Served By 9/19/22 Date and Time

IN THE NEW PHILADELPHIA MUNICIPAL COURT

State of Ohio
-vs-

NEW PHILADELPHIA
MUNICIPAL COURT

Case No.: CRB 2200686 A-B
MAGISTRATE ORDER/JUDGMENT ENTRY

SEP 19 2022

Judge Nancette DeGarmo VonAllman

EVERETT M MARTIN

~~5611 3RD ST NE
MINERAL CITY OH 44656~~

Phone # 330.603.1055

CLERK
JULIE A. STAMETS

This matter came on for arraignment warrant hearing.
Defendant was present walk in in custody as of 9/19/22 and was represented by counsel.

Defendant entered a Plea of Not Guilty.
Public Defender's Office/Atty. Declined is appointed to represent the defendant.

The Defendant is released on his/her own recognizance. Defendant shall personally appear for further hearings as ordered.
ORC 2937.29, 2937.43 & 2937.99.

Bail is established in the amount of \$ _____
 Cash or Surety Ten Percent (10%) to ensure the appearance of the Defendant for further proceedings in this Court.

The following restrictions are imposed upon the Defendant as condition of bond: (OH Crim. Rule 46)
Defendant is placed in the custody of _____, who has agreed to his/her supervision.
Defendant's travel is restricted to: _____

Defendant shall reside during the release period: Redridl address to PYS

Defendant shall be placed on CAM GPS electronic monitoring House Arrest
before release from jail by (date) 9/20/22

Defendant shall have (no/restricted) contact with Protected Person(s): _____

Restrictions, if applicable: _____

- Abide by protection order(s).
- Defendant may pick up clothing only with police/sheriff escort within 72 hours.
- Assessment/treatment substance abuse.
- No consumption/possession of alcohol or drugs of abuse. Stay out of bars/taverns.
- Abide by standard conditions of Pretrial Supervision Program. Report immediately to Probation Department upon release from jail.
- Do not use, possess, purchase or transport any firearms, ammunition or other deadly weapons.
- Other conditions the court finds reasonably necessary to ensure defendant's appearance and/or the safety of the public: _____

CANCEL WARRANT AND RELEASE WARRANT BLOCK

NOTICE OF HEARING ASSIGNMENT

This case has been set for a _____ Pretrial _____ Trial on _____ 20_____ at _____ m.

Judge VonAllman/Courtroom #1 _____ Magistrate Weimer/Courtroom #2 _____

IT IS SO ORDERED.



Judge/Magistrate

Cc:Def.-(personal service at arraignment/jail)

M. City Pros.

Atty.

Tusc Co Jail

Assignment Commissioner

MG (if pretrial supervision is ordered)

CCS for Pretrial Release

Cancel Warrant: _____



SCANNED TO P.O. 



Cuyahoga County Regional Forensic Science Laboratory
11001 Cedar Avenue, Cleveland, OH 44106



NOTIFICATION OF TRACE EVIDENCE COLLECTION

| | | | |
|-----------------|------------------------|--------------------|---|
| Report Date: | 10/03/2022 | Individual: | Everett Martin |
| CCRFSL Case: | 2022-008631 | | |
| Contact Person: | Sheriff Orvis Campbell | Submitting Agency: | Tuscarawas Sheriff Office |
| CCMEO Case: | OU2022-00346 | Address: | 2295 Reiser Avenue SE New Philadelphia, OH 44663 |
| Pathologist: | Dr. Alison Krywanczyk | | |

The body of Everett Martin was received clothed at the Cuyahoga County Medical Examiner's Office on 9/28/2022.

Items 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16 were received with the body of Everett Martin on 9/28/2022.

Items 1, 2, 3, 4, and 5 were collected by the Trace Evidence Unit on 9/29/2022.

Items 17, 18, 19, 20, 21, and 22 were received from Dr. Alison Krywanczyk of the Cuyahoga County Medical Examiners Office on 9/29/2022.

| <u>Item</u> | <u>Description</u> |
|-------------|---|
| 1 | Gunshot residue sample from the hands of Everett Martin. |
| 2 | One swab from under the fingernails of the right hand of Everett Martin. |
| 3 | One swab from under the fingernails of the left hand of Everett Martin. |
| 4 | Two swabs from the knuckles and palm of the right hand of Everett Martin. |
| 5 | Two swabs from the knuckles and palm of the left hand of Everett Martin. |
| 6 | One pair of gray and black handcuffs. |
| 7 | One blue "Rasco" jacket. |
| 8 | One black "District" hooded sweatshirt. |
| 9 | One blue "Lands End" long sleeve shirt. |
| 10 | One pair of blue "Ariat" jeans. |
| 11 | One black belt. |
| 12 | One pair of red and white "Fruit of the Loom" underwear. |
| 13 | One white "OEM" sock. |
| 14 | One white "OEM" sock. |
| 15 | One right brown "Carolina" boot. |
| 16 | One left brown "Carolina" boot. |
| 17 | Blood stain card. |
| 18 | Buccal swabs. |
| 19 | Reference pubic hair. |



Cuyahoga County Regional Forensic Science Laboratory
11001 Cedar Avenue, Cleveland, OH 44106



NOTIFICATION OF TRACE EVIDENCE COLLECTION

| | | | |
|-----------------|------------------------|--------------------|---|
| Report Date: | 10/03/2022 | Individual: | Everett Martin |
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| CCMEO Case: | OU2022-00346 | Address: | 2295 Reiser Avenue SE New Philadelphia, OH 44663 |
| Pathologist: | Dr. Alison Krywaczyk | | |

- 20 Reference beard hair.
- 21 One envelope labeled *hair shaved from injury site.*
- 22 One envelope labeled *hair shaved from injury site.*

No Testing will be performed on these items by the Cuyahoga County Regional Forensic Science Laboratory. All items listed above are ready to be picked up by your agency.

Analyst: 
Curtiss Jones
Supervisor, Trace Evidence Unit

All laboratory activities related to this case were completed between the date the evidence was collected and/or received, as noted in this report, and the report's issue date.

This report shall not be reproduced except in full, without the written approval of the Cuyahoga County Regional Forensic Science Laboratory.

Any evidence description displayed in italics has been provided by the submitting agency.

