



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



2022-1480
Officer Involved Critical Incident – 5945 SR 48, Clearcreek
Township, OH (L)

Investigative Activity: Video Review

Involves: Clearcreek Twp. Police Department (O)

Date of Activity: 07/13/2022

Activity Location: Clearcreek Twp. Police Department – Business – 7593 Bunnell Hill Road, Springboro, OH 45066

Author: SA David Hornyak, #112

Narrative:

On July 13, 2022, at approximately 0115 hours, Ohio Bureau of Criminal Investigation (BCI) Special Agent Dave Hornyak personally observed Clearcreek Township Police Sergeant Jason Bates retrieve memory cards from the in-car cruiser cam systems of Officers Eric Ney and Sergeant Nicole Cordero. In the presence of SA Hornyak, Sgt. Bates provided the memory cards to Sgt. Wally Stacy. Sgt. Stacy then used his office computer to play video from Sgt. Cordero's front dash cam, which was viewed by BCI Special Agent Dave Hornyak, Warren County Prosecutor David Fornshell, Chief John Terrill, and Sgt. Bates.

In order to obtain immediate information about what had occurred specifically at the time of the shooting, the only video portion reviewed at this time was footage from the approximate times of 2039–2044 hours (7/12/22). Observed during this brief review was Sgt. Cordero verbally ordering case subject Mark Evers to put down his gun, Evers firing at the officers, and Officer Ney being struck by gunfire and collapsing to the ground as Sgt. Cordero returns fire at Evers, who also collapsed to the ground. After the brief review, Sgt. Stacy copied approximately one hour of video, which covered the shooting incident, to a flash drive and provided it to SA Hornyak.

Officer Ney's cruiser cam video was not immediately reviewed or copied at this time as Chief Terrill and Sgt. Stacy were eager to travel to the hospital in support of Officer Ney who remained in critical condition after being shot in the face. Additionally, it was known that Officer Ney's cruiser was parked directly behind and nearly bumper-to-bumper with Sgt. Cordero's cruiser at the scene making it unlikely that any footage of immediate concern would be found on that recording.

SA Hornyak coordinated with Sgt. Stacy to provide full copies of videos from both officers to the assigned BCI case agents the following day, after which time, a more concise review of both

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sets of videos would occur.

References:

Flashdrive from CTPD

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