



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



2023-2639

Officer Involved Critical Incident - 7498 Van Ness Avenue,  
Hubbard, Ohio 44425, Trumbull County

**Investigative Activity:** Interview of Witness Deputy  
**Involves:** Deputy Nicholas Clayton (W)  
**Activity Date:** 10/25/2023  
**Activity Location:** Trumbull County Sheriff's Office -  
150 High Street NW, Warren, Ohio 44481  
**Authoring Agent:** SA Charles Moran #67

**Narrative:**

On October 25, 2023, at about 1552 hours, Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) Chuck Moran (Moran) interviewed Trumbull County Sheriff's Office (TCSO) Deputy Nicholas Clayton (Clayton). The interview took place at the TCSO. The interview was audio recorded.

Deputy Clayton was identified as being a law enforcement officer who witnessed and/or had some level of involvement in the officer-involved shooting that occurred on October 3, 2023, in the area near 7498 Van Ness Avenue, Hubbard, Ohio. Deputy Clayton did not discharge a firearm during the course of the incident. The purpose of the interview was to obtain all relevant information of the incident observed by this law enforcement officer.

Deputy Clayton has been employed by the TCSO for about 5 years. Deputy Clayton confirmed that he was on duty at the time of the incident. He drove a marked TCSO cruiser and was dressed in his standard TCSO uniform during the incident. Deputy Clayton said his radio call sign was 59.

SA Moran asked Deputy Clayton to provide details about the incident that occurred on October 3, 2023. Deputy Clayton said near the end of his shift around 2300 hours, the Hubbard Township Police Department (HTPD) requested assistance from the TCSO. Deputy Clayton, two other deputies, and a sergeant responded to assist in the area of Van Ness Avenue and Hubbard Masury Road and set up a perimeter.

Radio traffic indicated that the subject was moving towards Deputy Clayton's location near a "ravine." Deputy Clayton could not see the ravine and he continued looking south from his location. Deputy Clayton said he saw movement to the west, saw flashlights activated, and heard two officers walking. Deputy Clayton moved down the street and stopped near the corner of a residence. He said there were two officers in a "line" with their flashlights illuminating the subject.

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Deputy Clayton stated (03:53), "As I was running up, the subject had a cell phone in one hand and what appeared to be two shotguns slung over his shoulder. He threw one shotgun down onto the ground and then grabbed the second shotgun, instead of throwing it on the ground in the same fashion, he grabbed it by the grip of the shotgun and fanned it in our direction." SA Moran asked Deputy Clayton if he was describing the barrel/muzzle of the shotgun being "fanned" in the direction of the officers. Deputy Clayton responded, "The barrel of the shotgun, the muzzle of the shotgun in our direction." Deputy Clayton demonstrated the fanning motion by simulating holding a shotgun level with the ground. SA Moran asked Deputy Clayton about his demonstration showing that it was "level." Deputy Clayton responded, "Yes. Leveled. Leveled with the body. Yeah, I would say torso height." SA Moran asked Deputy Clayton if he heard any verbal commands provided by other officers. Deputy Clayton said the officers told the subject, "Drop the gun."

Deputy Clayton continued (05:00), "So, as I'm running up, he pulls the second shotgun down, points it in our direction um, I believe I have my rifle up at this point with my light on um, and then I heard two shots go off. I advised the trooper that I was on his right just so those guys knew that I was there um, and then we held on that position for a minute or two until we got other officers in the area, and then could walk up and make the scene safe."

SA Moran asked Deputy Clayton where the subject was after the shooting. Deputy Clayton said the subject was in a "ravine" and the officers were unable to see him. Two OSHP troopers moved to the west to see the subject and then the other officers approached. SA Moran asked Deputy Clayton about what he saw as he approached the subject. He recalled seeing the subject on his back with blood on his shot. He did not recall seeing where the shotguns were at that time.

Deputy Clayton said he later learned that an OSHP trooper and a Vienna Township Police Department (VTPD) officer fired their weapons during the incident. Deputy Clayton said he did not speak with either involved law enforcement officer after the incident.

SA Moran asked Deputy Clayton what he thought was going to happen when the subject made the "fanning" motion with the barrel of the shotgun in the direction of him and the other officers. Deputy Clayton answered (07:20), "Um, at that point I, I believed he was going to shoot at us. Yes." He recalled that dispatch radioed that the subject said he was "not going back to prison." SA Moran asked Deputy Clayton why he did not fire his weapon during the incident. Deputy Clayton explained that he was

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about "15 feet" behind the OSHP trooper and the VTPD officer and they were almost "on a line." Deputy Clayton said he did not want to endanger the other officers because the muzzle of his firearm would have been behind them if he fired gunshots. SA Moran asked Deputy Clayton if he would have possibly fired if the other officers were not in his potential firing line. Deputy Clayton stated, "Yes."

SA Moran asked Deputy Clayton if the subject said anything during the incident. Deputy Clayton did not hear the subject say anything. He recalled seeing the cell phone in his left hand near his ear while he used his right hand to maneuver the shotguns. SA Moran asked Deputy Clayton if he noticed anything about the condition of the shotguns. He recalled that they were "camo" and were hunting shotguns. Deputy Clayton recalled hearing information from dispatch indicating the subject stated that both shotguns were "loaded with five rounds each." Deputy Clayton said that he believed his actions during the incident were consistent with his training and experience.

The interview ended at 1602 hours. The audio recording was recorded using Axon Capture and it was uploaded to Evidence.com under BCI case number 2023-2639. A copy of the audio recorded interview was later downloaded, placed in Matrix, and attached to this report.

**Attachment:**

1. TCSO\_Deputy\_Nicholas\_Clayton\_Axon\_Capture\_Audio\_2023-10-25\_154927\_67

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