



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



2023-3023

Officer Involved Critical Incident - Unidentified Victim (V)

Investigative Activity: Initial Crime Scene Processing
Activity Date: November 14, 2023
Activity Location: 6235 Hathaway Road, Garfield Heights, OH 44125
Authoring Agent: Crime Scene Technician Michael Rostocil #204

SUMMARY:

On Tuesday, November 14, 2023 BCI Special Agent Ed Staley and Crime Scene Technician Michael Rostocil assisted the Garfield Heights Police Department with the processing of an indoor crime scene located at 6235 Hathaway Road, Garfield Heights, Ohio regarding an officer-involved critical incident. The scene was photographed as it was found and evidence was collected. It was further documented using a Leica BLK360 laser scanner. The scene was processed under the authority of a search warrant.

DETAILS:

On Tuesday, November 14, 2023 at approximately 1330 hours, CST Rostocil was contacted by Special Agent Supervisor Ed Lulla to assist the Garfield Heights Police Department regarding an officer-involved critical incident located at 6235 Hathaway Road, Garfield Heights, Ohio.

On Tuesday, November 14, 2023, at 1515 hours CST Rostocil arrived at 6235 Hathaway Road, Garfield Heights, Ohio and met with BCI Special Agent Supervisor Jon Lieber and Special Agent Joe Goudy and learned the following: officers with the Garfield Heights Police Department responded to 6235 Hathaway Road to perform a welfare check on a subject who called into the Police Department asking for the suicide hotline number, identified as Bernard Russell. The officers discovered Russell in the basement of the residence with a gun to his head. Officers attempted to talk to him, but it was reported that Russell pointed the gun at one officer, who fired their duty weapon at Russell. A second officer also fired their weapon at Russell. Russell was hit by the gunfire and transported to a local hospital where he was later pronounced deceased.

The scene was located in the basement of a single-story home. The home was located on the East side of Hathaway Road which ran North/South (Figure #1). The first level of the home contained a living room, kitchen, bathroom, office, and two bedrooms. The basement was accessible from the first level through a doorway and stairs in the kitchen. It was also accessible through an exterior door on the backside of the residence from the backyard. The basement contained several rooms. The backyard exterior doorway led into a large room with a game tables and refrigerators. Off of that on the West side of the basement was a living area with multiple chairs,

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a couch, television, and desks. In the South corner was a laundry/utility room. In the middle on the East side was a pantry that contained a bathroom and the stairwell leading up to the first level. There were several items of evidence and suspected ballistic impacts throughout the basement.

CST Rostocil photographed two (2) Garfield Heights Police Department patrol vehicles located away from the scene. Patrol vehicle # [REDACTED] was parked on Shadyway Road next to 6207 Hathaway Road. Patrol vehicle # [REDACTED] was parked on Hathaway Road in front of 6213 Hathaway Road.

CST Rostocil photographed the scene as it was found (Figures #2-10). The scene was examined for items of suspected evidence and several items of suspected evidence were observed, marked with number placards, photographed, and collected (Table 1, Figures #11-18, Items #1-16).



Figure #1 – Overall scene location

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Figure #2 – Overall basement entrance from backyard



Figure #3 – Overall basement from backyard entrance

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Figure #4 – Overall living area of basement



Figure #5 – Overall living area of basement

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Figure #6 – Overall desk area in living area of basement



Figure #7 – Overall living area of basement

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Figure #8 – Overall laundry room



Figure #9 – Overall pantry

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Figure #10 – Overall pantry

Table 1 – Items of Suspected Evidence

Item	Description	Location
1	SPEER 9MM LUGER+P fired cartridge case	Floor in NE corner of basement
2	SPEER 9MM LUGER+P fired cartridge case	Floor in NE corner of basement
3	SPEER 9MM LUGER+P fired cartridge case	Floor in NE corner of basement
4	SPEER 9MM LUGER+P fired cartridge case	Floor in NE corner of basement
5	SPEER 9MM LUGER+P fired cartridge case	Floor in NE corner of basement
6	SPEER 9MM LUGER+P fired cartridge case	Floor in NE corner of basement
7	SPEER 9MM LUGER+P fired cartridge case	Floor in NE corner of basement
8	SPEER 9MM LUGER+P fired cartridge case	Floor of pantry
9	SPEER 9MM LUGER+P fired cartridge case	Floor of pantry
10	Fired projectile	Floor of living area
11	Fired projectile	Floor of living area, near desks
12	Fired projectile	Floor of living area, under desk
13	(4) .38 SPL unfired cartridges	On desk along South wall, living area
14	Motorola cell phone	On desk along West wall, living area
15	Note	In desk along West wall, living area
16	SPEER 9MM LUGER+P fired cartridge case	Under shelf unit in pantry

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Figure #11 – Overall location of Items #1-2

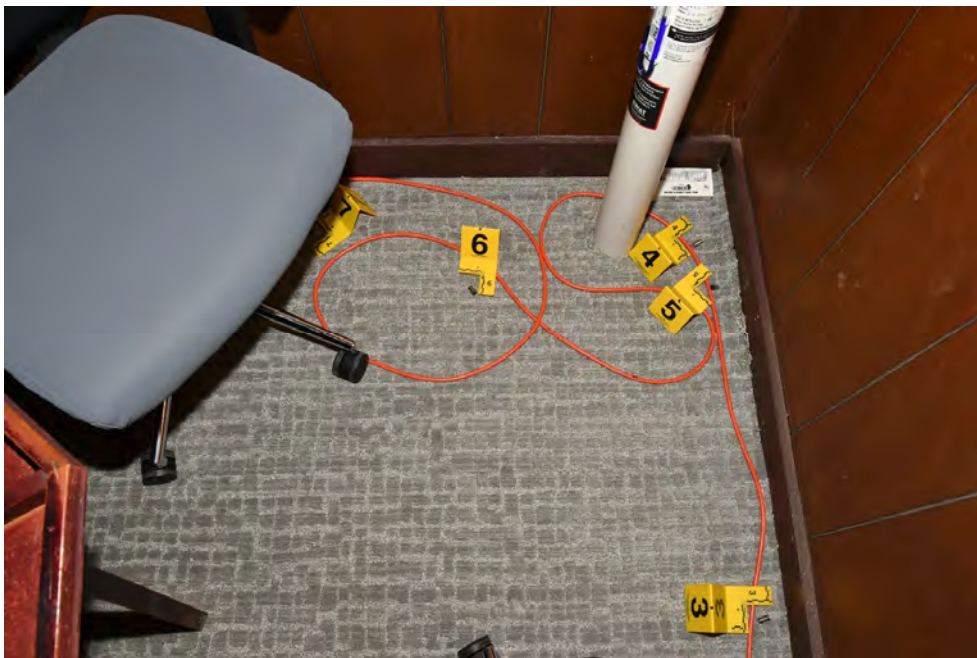


Figure #12 – Overall location of Items #3-7

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Figure #13 – Overall location of Items #8-9

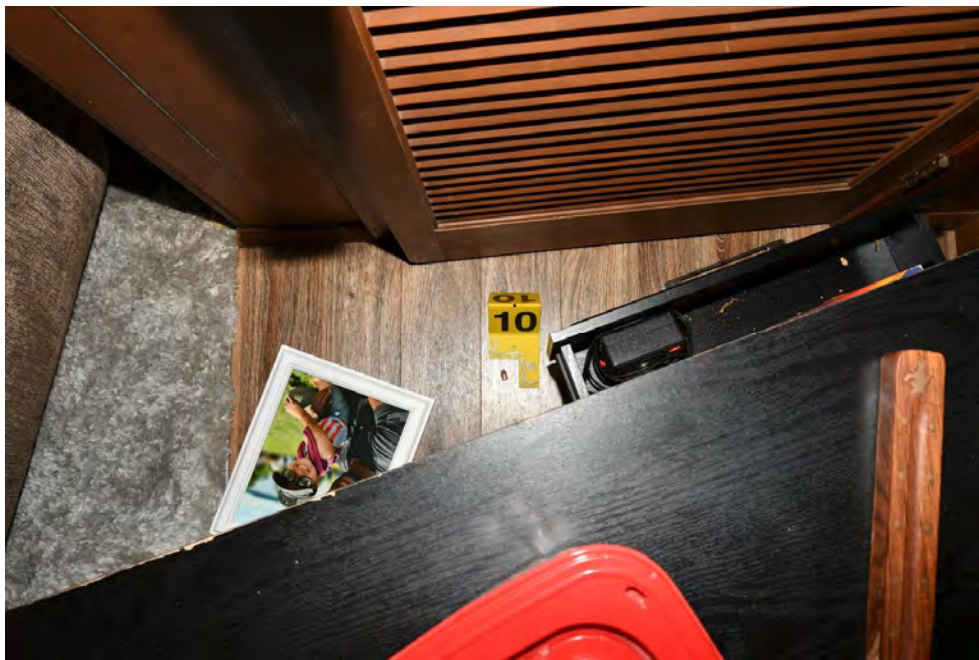


Figure #14 – Overall location of Item #10

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Figure #15 – Overall location of Items #11, 13-16



Figure #16 – Overall location of Item #12

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Figure #17 – Overall location of Item #16



Figure #18 – Item #16 under shelf

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The scene was examined for suspected ballistic impacts and several suspected ballistic impacts were located (BI 1.0-7.0, Figures #19-51). BI 1.0 was located on the back side of a black shelving unit on the North side of the living area of the basement. It was determined that the shelving unit was not in this position at the time of the shooting.



Figure #19 – Overall location of BI 1.0 & BI 7.0

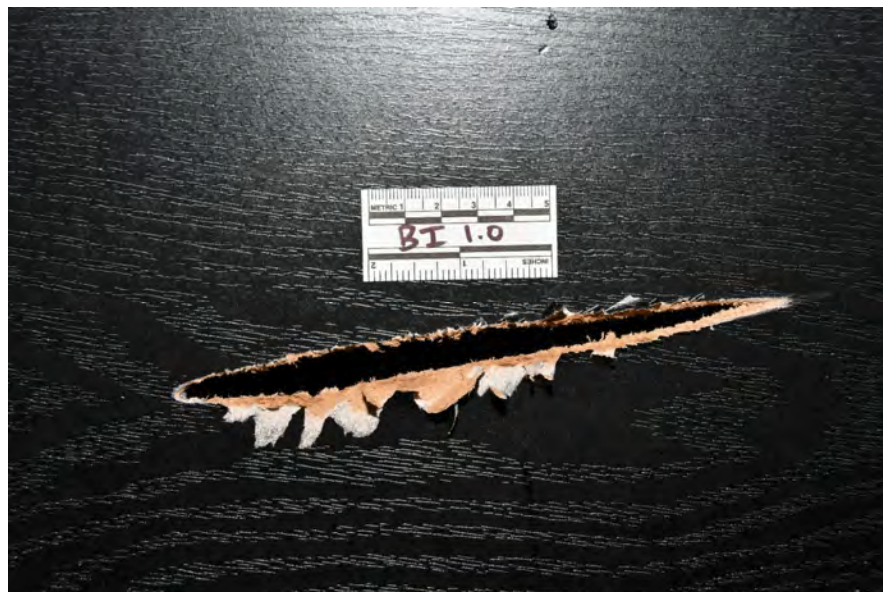


Figure #20 – Close-up of BI 1.0

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BI 2.0 was located on the East wall of a utility closet along the West wall of the living area. The bullet perforated the East wall and exited the South wall of the utility closet (BI 2.1), continuing into the side of a recliner chair (BI 2.2) and exiting the back side of the recliner chair (BI 2.3). The bullet continued and penetrated the West wall of the living area (BI 2.4). A fired projectile was recovered from inside the wall and collected as Item #17.



Figure #21 – Overall location of BI 2.0-2.1

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Figure #22 – Close-up of BI 2.0



Figure #23 – Close-up of BI 2.1

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Figure #24 – Location of BI 2.2, side of recliner



Figure #25 – Close-up of BI 2.2

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Figure #26 – Location of BI 2.3, back of recliner



Figure #27 – Close-up of BI 2.3

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Figure #28 – Location of BI 2.4, West wall of living area



Figure #29 – Close-up of BI 2.4

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Figure #30 – Item #17 from BI 2.4

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BI 3.0 was located on the arm of a tan recliner in the living area. The bullet perforated the left arm (when sitting in it), exiting the inner side (BI 3.1). The bullet continued, perforating the right arm, entering the inner side (BI 3.2) and exiting the outer side of the right arm (BI 3.3). The bullet continued into the cushion of the couch along the West wall of the living area (BI 3.4). A fired projectile was recovered inside the couch cushion and collected as Item #18.



Figure #31 – Location of BI 3.0-3.3 in recliner

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Figure #32 – Close-up of BI 3.0



Figure #33 – Close-up of BI 3.1

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Figure #34 – Close-up of BI 3.2



Figure #35 – Close-up of BI 3.3

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Figure #36 – Close-up of BI 3.4 in couch next to recliner



Figure #37 – Item #18 inside couch, from BI 3.4

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BI 4.0 was located on a black pillow on the couch. The bullet perforated the pillow, exiting the opposite side of the pillow striking the wooden frame of the couch (BI 4.1). The bullet continued into a brown recliner next to the couch (BI 4.2). A fired projectile was recovered from inside the arm of the recliner and collected as Item #19.



Figure #38 – BI 4.0

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Figure #39 – Location of BI 4.1



Figure #40 – Close-up of BI 4.1

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Figure #41 – Location of BI 4.2 in recliner next to couch

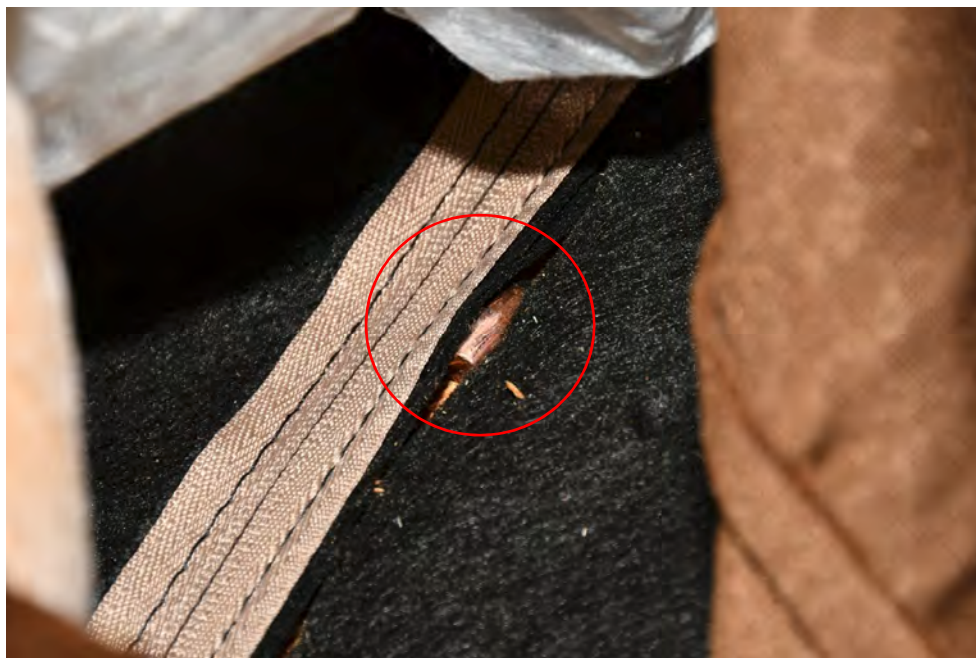


Figure #42 – Item #19 in recliner from BI 4.2

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BI 5.0 and 6.0 were located on a portable heater located under the desk along the South wall of the living area. The bullet from BI 5.0 perforated the front portion of the heater, striking other metal pieces of the heater. The bullet from BI 6.0 struck the outer portion of the metal without perforating it. Two (2) fired projectiles were located nearby on the floor (Items #11 and #12) but cannot solely be linked to these ballistic impacts.



Figure #43 – Location of BI 5.0 and BI 6.0

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Figure #44 – BI 6.0



Figure #45 – BI 5.0

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BI 7.0 was located on the top side edge of a black shelving unit located on the floor at the North end of the living area. The bullet perforated the side and continued through several dividers inside the shelf. The bullet terminated against the interior opposite side of the shelving unit without penetrating it. It was determined that the shelving unit was not in this position at the time of the shooting.



Figure #46 – Location of BI 7.0

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Figure #47 – Pathway of BI 7.0



Figure #48 – Pathway of BI 7.0

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Additional suspected ballistic impacts were located in a blue recliner in the middle of the living area. The recliner was examined for projectiles but it was determined all suspected ballistics impacts were perforating. It was determined this recliner was not in this position during the time of the shooting.



Figure #49 – Suspected ballistic impacts in blue recliner



Figure #50 – Suspected ballistic impacts in blue recliner

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Figure #51 – Suspected ballistic impacts in blue recliner



Figure #51 – Suspected ballistic impacts in blue recliner

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A fired projectile was recovered underneath a storage cabinet located in the Southwest corner of the living area between the two desks. It was photographed and collected as Item #20 (Figure #52).



Figure #52 – Item #20

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The scene and evidence were further documented using a Leica BLK360 laser scanner. The scan data was prepared for viewing using the Leica Cyclone Register360 software. An overhead diagram was created using the Leica Map360 software program and uploaded into Matrix (Figure #53).

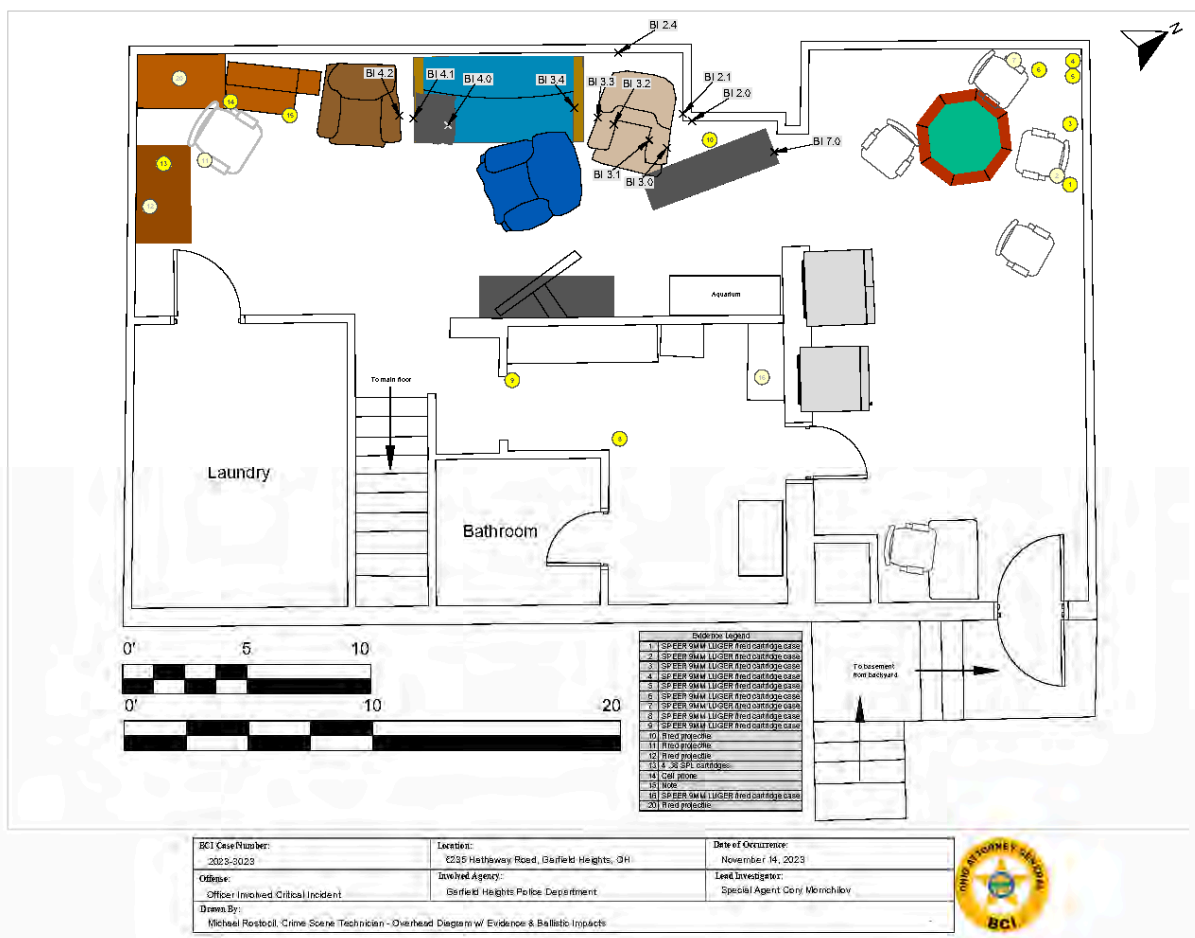


Figure #53 – Overhead Diagram

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BCI Special Agent Ed Staley documented and collected the involved firearms. Refer to his report for further details.

All items of evidence were collected and custody was transferred to BCI Special Agent Joe Goudy.

The photographs were uploaded into Matrix. An Inventory / Receipt Attachment form was filled out and signed by CST Rostocil and SA Goudy; a copy of the form was uploaded into Matrix. A copy of the Leica BLK360 scanner data was placed in the "BCI Scanner" folder on the shared directory. A copy of the search warrant was uploaded into Matrix.

A copy of this report should be sent to:

Ohio Bureau of Criminal Investigation
Attn: Special Agent Cory Momchilov
Email: cory.momchilov@ohioago.gov

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