



**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 with Trooper [REDACTED]  
 Activity Date: October 24, 2023  
 Authoring Agent: Special Agent Cory Momchilov #64

**Narrative:**

On Tuesday, October 24, 2023, at 0801 hours, Ohio Bureau of Criminal Investigation (BCI) Special Agent (SA) Cory Momchilov (Momchilov) interviewed Ohio State Highway Patrol (OSP) Trooper [REDACTED] (Trooper [REDACTED] who was accompanied by his attorney, Lathan Lipperman (Attorney Lipperman), from the law office of Harshman, Wannemacher, Tipton & Lipperman. The interview took place at Ohio State Highway Patrol Southington Post located at 3424 Parkman Road, Southington Ohio, 44470

Prior to the interview, Attorney Lipperman advised that they would not consent to the interview if it was video recorded. Due to this, the interview was only audio recorded.

Prior to the interview, Trooper [REDACTED] read, understood, and signed the BCI Criminal Investigation Notification form.

SA Momchilov was advised that Trooper [REDACTED] completed a typed statement. It was decided that Trooper [REDACTED] would read aloud the statement and afterword, SA Momchilov would ask follow-up questions if needed.

Trooper [REDACTED] s typed statement is attached to this investigative report.

\*\*The reader of this investigative report is encouraged to read Trooper [REDACTED] s typed statement, in its entirety, before continuing on with this investigative report.

**Additional Preliminary and Demographic Information that was not covered in Trooper [REDACTED] s statement.**

<b>Badge Number:</b> [REDACTED]	<b>Cruiser/Vehicle Number:</b> [REDACTED]
<b>Radio Call Sign:</b> [REDACTED]	<b>Immediate Supervisor:</b> No supervisor was on duty at Southington Post. Supervisory duties fell upon Sgt. Abbey from Post 50 (Canfield).
<b>Radio Channel Utilized:</b> Warren Post 78- All information Trooper [REDACTED] received came from Warren Post 78 and Trooper [REDACTED] was unable to monitor other jurisdiction's radio traffic.	<b>Mobile Data Terminal:</b> Present; Not Used

This document is the property of the Ohio Bureau of Criminal Investigation and is confidential in nature. Neither the document nor its contents are to be disseminated outside your agency except as provided by law - a statute, an administrative rule, or any rule of procedure.



**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

<b>In-Car Camera:</b> Operational & Utilized- However, camera does not record audio.	<b>Spotlight:</b> Present; Not utilized
<b>Hours of Sleep Prior to Incident:</b> Does not recall, but typical morning of sleep	<b>Equipment and Less-Lethal Options Carried on Person/Belt/Vest:</b> On Duty belt-magazine pouch with two magazines, Taser, key chain, ASP, radio, tourniquet, flashlight carrier, glove pouch, handcuffs and duty weapon
<b>Ballistic Vest:</b> Prior to arriving on scene, Trooper █████ stopped and put on additional external body armor	<b>Training or Areas of Specialty:</b> None
<b>Other Recording Devices:</b> No	<b>Use-of-Force Training:</b> Routine Policy Review
<b>Injuries:</b> None	<b>Equipment Damage:</b> None
<b>Prior Shooting Incidents:</b> Was on scene at a prior officer-involved shootings but did not fire his weapon-March 2023.	<b>Prior Discipline or Use-of-Force Complaints:</b> No

SA Momchilov began to ask Trooper █████ follow-up questions related to the incident.

SA Momchilov asked Trooper █████ if he knew the condition of the shotguns (open slide, in battery) when he observed the individual holding them. Trooper █████ stated, "No, I wouldn't be able to see, I mean, no." Trooper █████ advised that one shotgun seemed to have a camouflage pattern on it and fluorescent sights.

SA Momchilov asked Trooper █████ if he immediately recognized the weapons the subject was carrying as shotguns. Trooper █████ responded, "Yes."

SA Momchilov asked Trooper █████ if he had any experience with shotguns. Trooper █████ responded, "Yes." SA Momchilov then asked Trooper █████ if he could explain how a shotgun differs from a rifle.

Trooper █████ explained that a rifle shoots one projectile and a shotgun shoots multiple BBs. Also, dependent on the type of choke the shotgun has dictates the type of pattern the BBs, when fired, will have. SA Momchilov asked Trooper █████ if someone has to be "more precise" when firing one over the other (rifle vs. shotgun). Trooper █████ advised that someone has to be more precise when firing a rifle because a shotgun, "is going to have a bigger pattern."

This document is the property of the Ohio Bureau of Criminal Investigation and is confidential in nature. Neither the document nor its contents are to be disseminated outside your agency except as provided by law - a statute, an administrative rule, or any rule of procedure.



**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

SA Momchilov responded, "So, a bigger pattern, that would, I guess, make it easier for somebody to hit somebody?" Trooper [REDACTED] responded, "Correct." SA Momchilov replied, "You mentioned this guy was intoxicated, and I guess, in your experience, do you need fine motor skills to shoot a shotgun."

Trooper [REDACTED] responded, "No, you can, you can, it, I mean it could not even be pointed directly at me and still be a factor."

SA Momchilov stated to Trooper [REDACTED] that he had previously mentioned watching body-worn camera footage from the incident. SA Momchilov then asked Trooper [REDACTED] of the footage was from Officer [REDACTED]'s body-worn camera. Trooper [REDACTED] replied, "Yes."

SA Momchilov asked Trooper [REDACTED] how he obtained that body-worn camera footage. Trooper [REDACTED] stated, "My District Captain provided that to me, um, I mean he, he's also, he wants to make sure everybody's mental space is, you know, right. He wanted to make sure me going home and being off for a couple days, that I was able to view it again, make sure, you know, everything was what I thought it was."

SA Momchilov asked Trooper [REDACTED] how many times he watched the footage. Trooper [REDACTED] stated, "I watched it once with that, just of the shooting and then ah, I was also provided the copy by my attorney here and he also allowed 911 calls in there, so I listened to pretty much everything." SA Momchilov asked Trooper [REDACTED] if he was basing his statement off of his memory or what he observed on the body-worn camera footage. Trooper [REDACTED] stated the statement is based off of his memory and that it was "very vivid."

SA Momchilov asked if he had spoken to anybody else about the incident. Trooper [REDACTED] explained that he has had people ask him about what happened. Trooper [REDACTED] stated, "I don't really get into details just cause my attorney asked me not to really talk too much about it, but just basically say that, you know, it was a domestic violence situation and I was the unlucky person to come into contact with him."

SA Momchilov asked Trooper [REDACTED] if anyone asked him to lie or otherwise try to influence his statement. Trooper [REDACTED] stated, "No."

SA Momchilov then asked, "Did you speak with anyone at the scene afterwards, like, did you and Officer [REDACTED] get together and say hey, I'm going to say this, make sure you say this, anything along those lines?" Trooper [REDACTED] responded, "No, nothing like that."

This document is the property of the Ohio Bureau of Criminal Investigation and is confidential in nature. Neither the document nor its contents are to be disseminated outside your agency except as provided by law - a statute, an administrative rule, or any rule of procedure.



**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

SA Momchilov stated, "You mentioned the subject, at one point, said 'we've got a problem' and you took that to be a threat." SA Momchilov then asked, "In your experience, if someone is going to be compliant, would they say something along those lines." Trooper [REDACTED] replied, "No, I mean, the whole situation, like, I know I talked about how, I mean, I should, stop me if I am saying too much (referring to Attorney Lipperman) but the best way I can explain the way he threw the first shotgun down, it was like in a taunting manner, um I knew that he didn't have his hand on the trigger but I could definitely tell you that it was a very uncomfortable feeling having a shotgun pointed at me. Um, and then it was like he didn't get, he didn't get what he wanted from that one, so that is when he dropped it and when he slung that shotgun off, like it was a deliberate action for him to grab the grip, by the trigger. I mean it's just something he simply didn't have to do, if he was going to put it on the ground. So, I mean, it was kind of in slow motion and I was thinking is he going to do this and sure enough he started bringing it up. In a sense it kind of looked like, his arms were heavy because he was bringing it up kind of slow and soon as he pointed it at me, I pulled the trigger."

SA Momchilov asked Trooper [REDACTED] "Could you tell if you hit him." Trooper [REDACTED] replied, "Yeah, I know I hit him."

SA Momchilov asked, "You mentioned, you said, he didn't get what he wanted from that, referring to the first shotgun, what do you mean by that?" Trooper [REDACTED] responded, "I think he was trying to get me to shoot him."

SA Momchilov asked Trooper [REDACTED] if he believed his actions were consistent with his training and experience. Trooper [REDACTED] replied, "Yes."

### **Attachments**

Trooper [REDACTED]'s Typed Statement  
Audio recording of interview  
Signed Criminal Investigation Notification Form

This document is the property of the Ohio Bureau of Criminal Investigation and is confidential in nature. Neither the document nor its contents are to be disseminated outside your agency except as provided by law - a statute, an administrative rule, or any rule of procedure.

**STATEMENT OF TROOPER [REDACTED], UNIT # [REDACTED]**

This statement regards my involvement in an incident that occurred between approximately 9:45 p.m. and 10:45 p.m. on October 3, 2023, in Hubbard, Ohio. I am making this voluntary statement as part of the investigation being conducted by the Ohio Bureau of Criminal Investigation (BCI).

My date of hire with the Ohio State Highway Patrol (OSP) is October 19, 2016. I received my Commission on March 24, 2017. Before I joined OSP, I was enlisted in the Air Force from December 2009 until I was honorably discharged in November 2015. During my enlistment, I received specialized training and became certified with an M4 Rifle, an M240 Machine Gun, and a MK 19, an automatic belt fed grenade launcher.

I am currently assigned to the OSP Warren Post. My regular duty hours are scheduled from 10:00 p.m. – 6:00 a.m. My regular days off are Friday and Saturday. On the day of this incident, I was wearing the uniform of the day which consisted of gray trousers; a light gray short-sleeved shirt; and an external vest carrier. I also had a body worn camera (“BWC”) mounted to the external vest carrier on my left chest.

I was carrying my OSP-issued semiautomatic Aero Precision AR rifle, loaded with OSP-issued ammunition. The magazine for that weapon can hold thirty rounds, but it was only loaded with twenty-eight rounds, consistent with my OSP training. The rifle was equipped with a red dot site and light mounted to the handrail. I was also equipped with my OSP-issued primary service weapon: a Sig Sauer P320 9mm handgun. My range qualifications with both weapons were current, though I did not fire my handgun. I was not carrying any other firearm.

I was not working with a partner; but an officer with the Vienna Township Police Department, [REDACTED], was with me when this incident occurred. There were also law

enforcement members on scene from multiple agencies—I believe, City of Hubbard, Hubbard Township, Liberty Township, Brookfield Township, and the Trumbull County Sheriff's Office. Finally, OSP Troopers Tamarkin, Fidram and Brown were on scene, and Sgt. Abbey from the OSP Mahoning Post was monitoring radio traffic and may have eventually been on scene. I was driving a marked OSP Dodge Charger cruiser.

I have good vision and hearing; I do not need glasses, contacts or hearing aids. I do not suffer from any disabilities. I did not drink any alcohol in the 24 hours before my shift, nor did I take any medication that could impair the performance of my duties. I did not work any overtime or special duty on the day before or day of this incident. I started my shift well rested and in good spirits.

Shortly after I started my shift on the day of this incident, I had just terminated a brief pursuit when a trooper aired that there was a domestic incident occurring in Hubbard. He said that the Hubbard Township Police Department was requesting assistance from all available units. Dispatch aired that the call was a "55" (domestic violence). I recall the run stated the suspect had allegedly assaulted his girlfriend or wife before going into the backyard with two shotguns. The suspect was also believed to be intoxicated. I was given an address on Hubbard-Masury Road. I drove to that location running intermittent lights and sirens. On the way I learned that officers from Hubbard Township and surrounding agencies were trying to establish a perimeter around the residence. I also learned that the suspect had threatened to kill his wife or girlfriend.

I got near the scene around 10:00 p.m. Before I got to the suspect's address, I pulled onto the side of Thomas Hubbard Road. I quickly got out and put on my external vest carrier and grabbed my rifle and chambered a round. I got back in my cruiser and turned onto Hubbard Masury Road. I drove a short distance northeast/east and arrived at the scene.

The suspect's residence sat on the northern side of Hubbard Masury Road, shortly before the bend where that road continues northeast; Stiver Street ran north to south to the west of the residence; and Van Ness Avenue ran west to east about a block north of the suspect's house. Together, Hubbard Masury Road, Stiver Street, and Van Ness Avenue intersected to form one block. There was also a wooded area north of the suspect's house that I would estimate was about one or two acres. I parked at the Stiver Street intersection about a half block west of the suspect's address.

I got out of my cruiser and an officer from another agency told me that officers were still creating a perimeter. I did not know where the suspect was at that time. There were officers in front (south of) the suspect's house, so I decided to help create a perimeter behind (north of) the house. I doubled back and drove north on Thomas Hubbard Road. I got to Chestnut Ridge and went east. I drove a short distance then went south on Hubbard Masury Road. About a half mile later I turned west onto Van Ness Avenue and parked. I also blacked out all my lights.

As there were several different agencies on scene, and other agencies were using different radio channels, information from other officers was being relayed through dispatch. About that time, I was told that officers believed the suspect was moving north through the woods behind his residence. I could not see the suspect's house from my location since it was dark, and the wooded area and other homes blocked my view to the south. But I knew I was a block northeast of his house and that he was therefore reportedly moving in my direction. I marked my location and held in place at the back of my cruiser. I could see the red and blue lights of several cruisers to the west on Stiver Street. The lights from one cruiser were traveling north toward what I believed was the Stiver Street / Van Ness Avenue intersection.

As I continued covering from the back of my cruiser, I saw some cruisers and officers on Hubbard Masury north of my location. There was a Vienna Township officer, (who I later learned was [REDACTED]; I believe a Trumbull County Sheriff's deputy; and I believe a few other officers. I briefly spoke with those officers before most of them continued south on Hubbard Masury, and Officer [REDACTED] and I circulated west on foot to search for the suspect/ create a perimeter.

Officer [REDACTED] and I went to the back of a house on the north side of Van Ness Avenue. We planned to post up in that area, but shortly after we got there, I heard commands being yelled south of Van Ness Avenue at who I believed was the suspect. Officer [REDACTED] and I moved south towards the sound of the commands. We cut south across Van Ness Avenue and moved south along the driveway of a house just off Van Ness Avenue. That house sat just north, and roughly in the middle of, the wooded area the suspect was reportedly moving north through, and near where I heard commands being given.

As we neared the house, Officer [REDACTED] said "Troop, over here!" and indicated to the right (western) side of the house. About thirty-five yards southwest of my location I saw the suspect moving north in our direction. He was a white male and was carrying two long guns, both appeared to be shotguns. He had one of the shotguns hanging from his right shoulder by a strap with the muzzle in the air. The suspect was holding the second shotgun by the chamber with his left hand. Finally, he was also holding a cellphone up to his head with his left shoulder, speaking to someone in slurred speech.

I trained my rifle on the suspect and quickly cut several steps southwest as Officer [REDACTED] yelled for the suspect to drop his guns. I also ordered him to drop his weapons. In response, the suspect looked in our direction and yelled "shut the fuck up!" The suspect was



holding the shotgun in his left hand such that the barrel was aimed in my direction, but at that time neither of his hands was on or by the trigger. Officer [REDACTED] and I continued ordering the suspect to drop his weapons. He initially refused to comply and responded something like, "Now we've got a problem." But a second later, he took a half step forward and put the shotgun in his left hand onto the ground.

With his left hand now free, he quickly swung the second shotgun around his right shoulder such that the barrel was now pointed down. I believe his cell phone may have dropped about that time. I ordered the suspect to drop the weapon, but he grabbed the forearm of the shotgun with his left hand and raised the barrel of the weapon at me while grabbing the grip with his right hand. I believed he intended to shoot me, and at that moment I fired at the suspect. I believe Officer [REDACTED] fired an instant later.

I fired only one round. I fired in a slightly downward and southwesterly direction. I would estimate that I was about 20-25 yards from the suspect when I fired. I was in a standing position with my rifle in my right shoulder. My target was the suspect's center mass. I used my red dot sights. I did not see any civilians or law enforcement in my backdrop, which was an open wooded area. I was not sure where Officer [REDACTED] was, but I believed he was within several yards to my right. It was dark out when this incident occurred, but the light on my rifle was on, and I recall Officer [REDACTED]'s weapon had a light as well. There may have also been a spotlight on the exterior of the house I was standing by. In any case, there was enough light that I could see the suspect. I did not have any cover or concealment at the time I fired.

The suspect dropped his weapon and stumbled, falling to the ground an instant after I fired. I believe he fell partially onto his back and right side. I aired shots fired and to stage medical. The suspect had fallen into a ravine in a wooded area, and I could not see the second

shotgun. Moments later an officer approached and asked where the suspect was. Because I did not know where the second shotgun was and the suspect was in a difficult area to traverse, I told the officers to wait for backup so we could approach with cover.

A brief time later OSP Trooper Kevin Brown approached. I told him I thought the best way to approach was to start at the high side of the ravine and work our way down. Trooper Brown and I moved towards the top of ravine. By that time, there was a group of about five or six officers moving in towards the suspect. From the top of the ravine, I could see the two shotguns on the ground near the suspect. The suspect appeared wounded. He was moving slightly while on the ground, though he was not reaching for either weapon.

Trooper Brown and I covered the suspect while other officers approached. I told them to check the suspect for other weapons. The officers secured the suspect and placed him in handcuffs. He appeared to have a chest wound, but medics arrived a brief time later and the suspect was loaded onto a gurney and transported from the scene. This ended my involvement with this incident. I remained at the scene for about two more hours. My rifle was collected by an OSP supervisor, and I was transported to the Warren OSP Post by another Trooper. Photos were then taken as part of the investigation.

After the suspect was secured and in custody, I was able to look down and at that time I realized my BWC was not recording. Before that, I was not cognizant that it was not recording. Our BWCs are programmed to automatically begin recording whenever our cruiser's lights are activated and our driver's door is opened. Most of my enforcement actions result from traffic stops where my lights are in fact activated at the time my driver's door is opened. In other words, in most instances my BWC begins recording automatically and I do not need to manually create the recording. Here, though, once I got to the scene, an officer confirmed that the suspect was

still loose, and a perimeter was being formed. When I moved my cruiser north onto Van Ness Avenue, I turned off all my lights so that I would not be a target for the suspect. So when I exited my cruiser, my BWC did not automatically begin recording. At that time, my focus was on my surroundings since the suspect was reportedly armed with several weapons and moving in my direction and I was not familiar with the area. I was also focused on monitoring the radio traffic since information was being aired over multiple channels by multiple agencies. Once the suspect was in custody and it was safe to take my focus from him, I became aware my BWC was not recording. I immediately manually activated it once this came to my attention.

At the time I fired my weapon, I was in fear for my life and Officer [REDACTED]'s life as the suspect had just raised the barrel of his shotgun in my direction after announcing that "we've got a problem." Before I encountered the suspect, I knew that he reportedly had assaulted his wife or girlfriend and threatened to kill her. I also knew that the suspect was believed to be intoxicated and had fled north into the woods behind his house carrying two shotguns.

In the moments before I fired, Officer [REDACTED] and I repeatedly ordered the suspect to drop his weapons. The suspect initially refused to comply and acknowledged our commands by yelling back shut the fuck up before adding moments later "now we've got a problem." I interpreted that statement as a threat and that he was communicating his intent not to comply. He also had the barrel of the shotgun in his left hand aimed in my direction; but I did not fire at that time since neither of his hands was on the trigger so he could not fire the weapon.

A second or so after he said we had a problem, the suspect took a half step forward and slowly put the shotgun in his left hand on the ground. With his left hand free, he could have grabbed the shotgun strapped on his right shoulder and tossed the weapon without putting his hand anywhere near the grip/trigger. But instead of doing that, he swung around the shotgun

strapped on his right shoulder such that the barrel was facing down. I repeated my command for the suspect to drop the weapon; but he refused to comply and instead grabbed the forearm with his left hand and raised and leveled the barrel of the weapon at me while grabbing the grip with his right hand. I believed he intended to shoot me and that I would be seriously injured or killed. I was also concerned for the life of Officer [REDACTED] since I believed he was standing within several yards of me. It was at that time I fired at the suspect. I did not believe I had any other reasonable alternative to protect my life or the life of Officer [REDACTED] from the deadly threat presented by the suspect's actions.

After this incident, I learned the suspect's name: Shawn Thomas. I do not know Mr. Thomas, and I do not think I have ever previously encountered him.

Following this event, I had the opportunity to review body worn camera footage of this incident. After doing so, it appears that Officer [REDACTED] is standing several yards behind my left shoulder at the time I fired and not to my right as I had recalled.

This concludes my statement.

  
Trooper [REDACTED], Unit # [REDACTED]



# MIKE DEWINE

★ OHIO ATTORNEY GENERAL ★



Bureau of Criminal Investigation  
Office (330) 659-4600  
Fax (330) 659-0681

4055 Highlander Parkway  
Richfield, OH 44286  
www.OhioAttorneyGeneral.gov

## Criminal Investigation Notification

1. You are advised that this investigation is being conducted in order to determine the presence or absence of criminal liability on the part of those involved in the incident. Specifically, to collect facts and information to be provided to the prosecutor and/or grand jury in order for them to determine whether the conduct involved is authorized or prohibited by criminal statutes.
2. Your participation in this interview is voluntary and you may decline to answer or cease the interview at any time. You are not in custody. You are entitled to have an attorney present if you wish.
3. The criminal investigation is separate from any internal, administrative investigation which your employer may or may not be independently conducting. As such, you may refuse to answer questions from the criminal investigators; your statements are not being compelled under threat of adverse disciplinary action from your employer. This is not a "Garrity" interview (where you may be required to answer).

TROOPER

Printed Name of



10-24-23 0800

Date / Time

Signature of interviewee



SJA Cory Momchilov

BCI Agent (Printed)

#64

BCI Agent (Signature)