



Joshua Engel, Partner
Jim Hardin, Partner
Mary Martin, Partner
Scott O'Reilly, Of Counsel
Anne Tamashasky, Of Counsel
Molly Kindness, Of Counsel

FOR IMMEDIATE RELEASE

AUGUST 9, 2023

Contact:

Joshua Adam Engel
ENGEL AND MARTIN, LLC
(513) 445-9600
engel@engelandmartin.com

NOT GUILTY VERDICT IN OFFICER INVOLVED SHOOTING CASE

Engel & Martin, LLC obtained a not guilty in an officer involved shooting case in Highland County Common Pleas court.

Sgt. Jonathan “Dustin” Malone faced a felony Reckless Homicide charge arising out of an incident in July 16, 2022. On that day, Sgt. Malone observed a vehicle run a stop sign at U.S. 62 and State route 72. He initiated a traffic stop. The suspect initially stopped and then drove away south on 62. A nine mile, thirteen minute pursuit ensued, involving numerous law enforcement officers. The suspect ignored signals to stop and drive recklessly – putting numerous other drivers and pedestrians at risk.

The suspect’s vehicle eventually was stopped near the intersection of U.S. 62 and Ervin Road. The suspect remained in his vehicle despite numerous commands from Defendant and other officers. Sgt. Malone and three other deputies on the scene exited their vehicles and approached the suspect with their guns drawn. Sgt. Malone had his baton in his right hand and his firearm in his left hand pointed at the suspect. He continued to give commands for the suspect to shut down and exit his vehicle. When the suspect continued to not comply with commands, Sgt. Malone struck the passenger side window with his baton. The window shattered. Sgt. Malone again gave commands for the suspect to shut down and exit his vehicle. The suspect still did not comply. Sgt. Malone then approached the driver’s side of the vehicle. The driver’s side window was up and tinted. Sgt. Malone struck the driver’s side window twice with his baton. The window shattered. At that moment, Sgt. Malone’s firearm accidentally discharged. The alleged victim was struck in the

neck. Despite medical assistance from the law enforcement officers on the scene, the suspect died.

Following an investigation by the Ohio Bureau of Criminal Investigation, the Attorney General's Office charged Sgt. Malone with Reckless Homicide. The Jury heard the case starting on August 7, 2023 and on August 9th, after less than one hour of deliberations, returned a Not Guilty verdict.

Sgt. Malone was represented by Engel & Martin managing partner Joshua Engel. Engel said that the death in this case was a tragic accident. He added, "The community faced a significant risk from a suspect who had fled from the police Sgt. Malone acted consistent with policy and his training to arrest the suspect, prevent escape, and defend the public."

###