



Grand Jury Hears Evidence in Lebanon Shooting Incident; Issues No Indictment

FOR IMMEDIATE RELEASE

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On Friday, July 26, 2024, a Warren County grand jury heard evidence relating to the June 17, 2024, shooting incident at North State Route 48 and U.S. Route 42 in the City of Lebanon that claimed the life of Andrew Rainey, 63, of Lebanon. The grand jury did not issue an indictment.

The City of Lebanon Division of Police conducted a thorough investigation, followed by an extensive review of the evidence by the Warren County Prosecutor's Office. The investigation revealed that the shooting happened after a traffic incident occurred a few moments earlier when another driver "cut off" Rainey as both were traveling northbound on Bypass 48 just north of Ohio State Highway Patrol Post 83. Rainey and the other driver continued traveling northbound on Bypass 48 until they reached the stop light at U.S. Route 42, at which time Rainey exited his vehicle and approached the driver of the other vehicle, who was stopped directly in front of him in a Mazda Miata convertible with the top down.

Lebanon police were able to identify seven individuals that were at or near the intersection at the time of the shooting. All agreed that Rainey exited his vehicle, approached the Miata, and was shot by the driver of that vehicle. However, these seven witnesses provided vastly different descriptions of what transpired in the seconds leading up to the shooting.

In their statements to police, the witnesses' descriptions of Rainey's demeanor ranged from calm, to angry and aggressive. Their descriptions varied further. Multiple witnesses described Rainey being shot immediately upon arriving at the side door of the Miata. One witness described Rainey being shot with both hands up, after Rainey grabbed the hat off the head of the driver of the Miata. Three witnesses described Rainey being shot after he punched the other driver in the face, with one witness telling police Rainey repeatedly punched the head of the other driver, and two witnesses telling police there was at least one significant punch, but that Rainey was shot while attempting to punch the other driver a second time. Additionally, at least one witness indicated the other driver was leaning backwards into the passenger seat of the vehicle to avoid being struck by Rainey.

The grand jury is tasked with evaluating the credibility of all relevant witnesses, as well as considering applicable Ohio law. In this instance, that includes Ohio law on self defense, which the Ohio legislature changed fairly recently in three ways that are significant to this matter. First, a person no longer has the burden to prove he or she acted in self defense. Rather, it is now the

state's burden to prove beyond a reasonable doubt that the person was NOT acting in self defense. Second, a person is presumed to be acting in self defense when they are in their vehicle. And third, a person no longer has a duty to retreat before utilizing deadly force when acting in self defense.

Although Warren County Prosecutor's Office staff are not in the room when grand jurors are deliberating, it is our belief that the discrepancy in witness statements as to what occurred immediately prior to the shooting, combined with these fairly recent changes to Ohio law on self defense, both likely contributed to the grand jury not issuing an indictment in this matter.

Lastly, because the grand jury did not indict the individual who shot Rainey, pursuant to Ohio Revised Code 149.43(A)(2)(a), that individual is an "uncharged suspect" whose name is not a public record subject to disclosure. Rainey's name, however, is required to be disclosed as a public record of the Warren County Coroner's Office.



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