
Report of Investigation

Date: November 29, 2010

Client: Community Police Review Commission
Mario Lara
Interim CPRC Manager
City of Riverside
3900 Main Street
Riverside, CA 92522

Case: GI-10-3969

Report Matter: OID: Marlon Oliver Acevedo

Investigator: G. Warnberg

Baker Street Group Inc (BSG) was tasked with efforts to locate civilian witnesses and conduct additional interviews in the OID of Marlon Oliver Acevedo on 10/31/2008.

Following a previous review by BSG of the RPD OID investigation, several witnesses had been left unidentified and or not interviewed in the RPD investigation.

The OID occurred during the evening hours on 10/31/2008 in the 7800 block of Cypress Avenue between Montgomery Street and Warren Street in front of the Acevedo residence, 7857 Cypress Ave, and across the street from the Cypress Springs Apartments, 7850 Cypress Ave.

Typical public record data base research was conducted in order to establish identities and address information for known witnesses. A thorough and appropriate neighborhood investigation was conducted in an attempt to identify and interview previously unknown witnesses.

The following information has been developed during this investigation.

Elizabeth Lomeli: DOB 2/15/1985: SSN 553-89-xxxx

Elizabeth Lomeli was the girlfriend of Marlon Oliver Acevedo. On the date of the OID,

Lomeli lived at 7857 Cypress Ave. with her mother, Martha Castaneda, Marlon Acevedo, Lomeli's brother currently identified only as Michael Lomeli and two young children.

Elizabeth Lomeli is currently living with her mother at 4992 Foothill Ave, Riverside, CA. I have traveled to the residence on three occasions attempting to establish contact and request an interview. On each occasion I left written requests in the form of business cards and CPRC introductory letters requesting contact. I have also talked to neighbors and corroborated that Lomeli and Castaneda live at the residence. I have not been able to establish contact as a result of the above described efforts.

Martha Castaneda (aka) Martha Garay: DOB 9/1/1956: SSN 610-34-xxxx

Martha Castaneda currently lives at 4992 Foothill Ave, Riverside, CA. The property is owned by Samuel and Bertha Fernandez. Attempts to contact Castaneda have gone unsuccessful.

Melissa Herrera: DOB 4/22/1990: SSN 607-38-xxxx

Melissa Herrera lives at 7875 Cypress Ave, Riverside, CA. Herrera witnessed the OID incident. Herrera talked to a RPD 911 operator after the call was placed by a friend using her residence telephone. Herrera was interviewed on 11/23/2010 at her residence. Present during the interview was Herrera's cousin Anthony Hernandez. The interview was recorded but has not been transcribed. Herrera told me the following information:

Herrera said she returned home from "trick or treating" on the night of the incident with a friend who lived up the street. Herrera said her friend no longer lives in the area and she could not remember her last name, but identified her as "Jocelyn". Herrera described the residence and I later identified the property located at 7990 Cypress Ave. The residence is currently not occupied.

Herrera said when they returned home she observed Acevedo standing in the street, yelling, and acting strange and in a dangerous way. Herrera said she assumed Acevedo "was on something" suggesting she believed he may have been under the influence of drugs and she thought he may be hit by cars traveling on Cypress Ave.

Herrera said Acevedo lived next door with his girl friend she identified as "Lisa". Herrera said her family had not been friendly with the neighbors but she knew others that lived in the residence were Lisa's mother, Lisa's brother identified as "Michael" and two younger children.

Herrera said Jocelyn called the police calling 911. Jocelyn then laid the telephone down and Herrera said she picked it up and talked with the police dispatcher.

Herrera said the police arrived within 10 minutes. Herrera watched from the front door of her residence as the officers contacted Acevedo and tried to tell him to get out of the street. Acevedo refused to cooperate and Herrera watched as the officer's fought with

him. Acevedo said Acevedo was “yelling and crying” but she could not understand what he was saying. Acevedo swung his fist at the officers and they hit him with their nightsticks. Eventually, Acevedo fell to the pavement and the officers used their “taser” to shock him several times. Herrera said once Acevedo was on the ground, he did not move very much and then stopped moving completely. Herrera said she was not able to hear any of the conversation between the officers and Acevedo.

Anthony Hernandez: DOB 8/14/1992:

Hernandez was present during the interview with Herrera. Hernandez said he also watched the incident from the doorway of the residence and the front step in front of the door.

Hernandez said the officers attempted to talk and get Acevedo to leave the street but he was yelling and crying and would not comply to the officers orders. Hernandez said he thought Acevedo was yelling his girlfriends name but did not know for sure.

Hernandez said Acevedo swung his fist at the officers and they hit him with their night sticks in the legs. Hernandez said a third officer arrived and they were able to force Acevedo to the ground and then they used their “taser” to shock him several times.

Hernandez said a lot of people from the apartments were watching the incident but he could not identify any additional witnesses.

Hernandez said he could not hear any of the conversations between Acevedo and the officers.