

Jackie Lacey

District Attorney
<http://da.lacounty.gov>



NEWS RELEASE

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April 7, 2016

District Attorney Jackie Lacey Announces Charges Filed Against Four Social Workers In Death of Gabriel Fernandez

Los Angeles County District Attorney Jackie Lacey announced today that four social workers were charged with child abuse and falsifying public records in the death of 8-year-old Gabriel Fernandez three years ago.

“Social workers play a vital role in society. We entrust them to protect our children from harm,” District Attorney Lacey said. “When their negligence is so great as to become criminal, young lives are put at risk.

“By minimizing the significance of the physical, mental and emotional injuries that Gabriel suffered, these social workers allowed a vulnerable boy to remain at home and continue to be abused,” District Attorney Lacey said.

“We believe these social workers were criminally negligent and performed their legal duties with willful disregard for Gabriel’s well-being,” District Attorney Lacey said. “They should be held responsible for their actions.”

A complaint for an arrest warrant filed on March 28 charges social workers Stefanie Rodriguez (dob 4/16/85) and Patricia Clement (dob 7/27/50), and their respective supervisors, Kevin Bom (dob 6/3/79) and Gregory Merritt (dob 9/29/55), each with one felony count of child abuse and one felony count of falsifying public records.

The four are scheduled to be arraigned sometime after 8:30 a.m. today at the Foltz Criminal Justice Center, Department 30, in case BA445260. Prosecutors will ask that bail be set at \$155,000 for each defendant.

Deputy District Attorney Ana Maria Lopez with the Public Integrity Division is prosecuting the case.

Rodriguez, Clement, Bom and Merritt worked for the Los Angeles County Department of Children and Family Services and had a legal duty to protect Gabriel from the time the DCFS case was opened on Oct. 31, 2012, until he was declared dead on May 24, 2013. He died from multiple injuries, including a fractured skull, broken ribs and burns over his body, prosecutors said.

Rodriguez and Clement are accused of falsifying reports that should have documented signs of Gabriel's escalating physical abuse and the family's lapsed participation in DCFS efforts to provide help to maintain the family.

Prosecutors allege that Bom and Merritt knew or should have known that they were approving false reports that conflicted with the evidence of Gabriel's deteriorating physical well-being as contained in the child's case file, allowing him to remain at home until his death.

If convicted, each defendant faces up to 10 years in state prison.

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[About the Los Angeles County District Attorney's Office](#)

Los Angeles County District Attorney Jackie Lacey leads the largest local prosecutorial office in the nation. Her staff of nearly 1,000 attorneys, 300 investigators and 800 support staff members is dedicated to protecting our community through the fair and ethical pursuit of justice and the safeguarding of crime victims' rights.

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WARRANT ISSUED

ORIGINAL

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff,
v.
01 KEVIN BOM (DOB: 06/03/1979),
02 STEFANIE RODRIGUEZ (DOB: 04/16/1985),
03 GREGORY MERRITT (DOB: 09/29/1955), and
04 PATRICIA CLEMENT (DOB: 07/27/1950)
Defendant(s).

CASE NO. BA445260

**FELONY COMPLAINT
FOR ARREST WARRANT**

FILED
2016 MAR 28 PM 3 30
CENTRAL CRIMINAL
LOS ANGELES
SUPERIOR COURT

The undersigned is informed and believes that:

COUNT 1

On or between October 31, 2012 and May 24, 2013, in the County of Los Angeles, the crime of CHILD ABUSE, in violation of PENAL CODE SECTION 273a(a), a Felony, was committed by KEVIN BOM, STEFANIE RODRIGUEZ, GREGORY MERRITT and PATRICIA CLEMENT, who did willfully and unlawfully, under circumstances likely to produce great bodily harm and death, injure, cause, and permit a child, GABRIEL FERNANDEZ, to suffer and to be inflicted with unjustifiable physical pain and mental suffering, and, having the care and custody of said child, injure, cause, and permit the person and health of said child to be injured and did willfully cause and permit said child to be placed in such situation that his/her person and health was/were endangered.

It is further alleged pursuant to section 12022.95 that the defendant(s), KEVIN BOM, STEFANIE RODRIGUEZ, GREGORY MERRITT and PATRICIA CLEMENT, under circumstances and conditions likely to produce great bodily harm and death, willfully caused and permitted a child to suffer, and inflicted thereon unjustifiable physical pain and injury that resulted in death, and having the care and custody of a child, under circumstances likely to produce great bodily harm and death, willfully caused and permitted that child to be injured and harmed and that injury and harm resulted in death.

COUNT 2

On or between October 31, 2012 and January 31, 2013, in the County of Los Angeles, the crime of PUBLIC RECORDS VIOLATION, in violation of GOVERNMENT CODE SECTION 6200, a Felony, was committed by KEVIN BOM and STEFANIE RODRIGUEZ, who was an officer having custody of a record, map, book, paper and court proceeding, filed and deposited in a public office, and placed in the defendant's hands and, as to the whole and part thereof, did steal, remove, secrete, destroy, mutilate, deface, alter and falsify said document.

* * * * *

COUNT 3

On or between January 30, 2013 and August 1, 2013, in the County of Los Angeles, the crime of PUBLIC RECORDS VIOLATION, in violation of GOVERNMENT CODE SECTION 6200, a Felony, was committed by GREGORY MERRITT and PATRICIA CLEMENT, who was an officer having custody of a record, map, book, paper and court proceeding, filed and deposited in a public office, and placed in the defendant's hands and, as to the whole and part thereof, did steal, remove, secrete, destroy, mutilate, deface, alter and falsify said document.

It is further alleged as to count(s) 1, 2 and 3, offenses described in Penal Code section 803(c), that the above violations were not discovered until May 23, 2013 by DCFS Analyst Denise DuFloth by reviewing the case file, and that no victim of said violations and no law enforcement agency chargeable with the investigation and prosecution of said violations had actual and constructive knowledge of said violations prior to said date because each defendant was a public official and employee at the time of the commission of the charged offenses, and his/her conduct was not ascertainable before that date, within the meaning of Penal Code section 803(c).

* * * * *

NOTICE: Conviction of this offense will require the defendant to provide DNA samples and print impressions pursuant to Penal Code sections 296 and 296.1. Willful refusal to provide the samples and impressions is a crime.

NOTICE: The People of the State of California intend to present evidence and seek jury findings regarding all applicable circumstances in aggravation, pursuant to Penal Code section 1170(b) and *Cunningham v. California* (2007) 549 U.S. 270.

NOTICE: A Suspected Child Abuse Report (SCAR) may have been generated within the meaning of Penal Code §§ 11166 and 11168 involving the charges alleged in this complaint. Dissemination of a SCAR is limited by Penal Code §§ 11167 and 11167.5 and a court order is required for full disclosure of the contents of a SCAR.

NOTICE: Any allegation making a defendant ineligible to serve a state prison sentence in the county jail shall not be subject to dismissal pursuant to Penal Code § 1385.

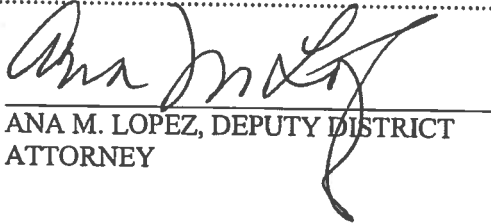
Further, attached hereto and incorporated herein are official reports and documents of a law enforcement agency which the undersigned believes establish probable cause for the arrest of defendant(s) KEVIN BOM, STEFANIE RODRIGUEZ, GREGORY MERRITT, and PATRICIA CLEMENT for the above-listed crimes. Wherefore, a warrant of arrest is requested for KEVIN BOM, STEFANIE RODRIGUEZ, GREGORY MERRITT, and PATRICIA CLEMENT.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT AND THAT THIS COMPLAINT, CASE NUMBER BA445260, CONSISTS OF 3 COUNT(S).

Executed at LOS ANGELES, County of Los Angeles, on March 28, 2016.


MARY CENOVICH
DECLARANT AND COMPLAINANT

.....
JACKIE LACEY, DISTRICT ATTORNEY

BY: 
ANA M. LOPEZ, DEPUTY DISTRICT
ATTORNEY

AGENCY: LACO D.A.
BUREAU OF
INVESTIGATION

I/O: MARY CENOVICH ID NO.: 500579 PHONE:

DR NO.:

OPERATOR: NV

PRELIM. TIME EST.: 5 DAY(S)

<u>DEFENDANT</u>	<u>CII NO.</u>	<u>DOB</u>	<u>BOOKING NO.</u>	<u>BAIL RECOM'D</u>	<u>CUSTODY R'TN DATE</u>
BOM, KEVIN		6/3/1979		\$155,000	
RODRIGUEZ, STEFANIE		4/16/1985		\$155,000	
MERRITT, GREGORY		9/29/1955		\$155,000	
CLEMENT, PATRICIA		7/27/1950		\$155,000	

It appearing to the Court that probable cause exists for the issuance of a warrant of arrest for the above-named defendant(s), the warrant is so ordered.

KEVIN BOM

BAIL: \$ 155,000

STEFANIE RODRIGUEZ

BAIL: \$ 155,000

GREGORY MERRITT

BAIL: \$ 155,000

PATRICIA CLEMENT

BAIL: \$ 155,000

DATE: 28 March 2016
4:03 P.M.

Michael E. Pastor
Judge of the Above Entitled Court
MICHAEL E. PASTOR



NON-WARRANT DEFENDANTS:

<u>DEFENDANT</u>	<u>CII NO.</u>	<u>DOB</u>	<u>BOOKING NO.</u>	<u>BAIL RECOM'D</u>	<u>CUSTODY R'TN DATE</u>
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FELONY COMPLAINT -- ORDER HOLDING TO ANSWER -- P.C. SECTION 872

It appearing to me from the evidence presented that the following offense(s) has/have been committed and that there is sufficient cause to believe that the following defendant(s) guilty thereof, to wit:

(Strike out or add as applicable)

KEVIN BOM

<u>Ct.</u>	<u>Charge</u>	<u>Charge Range</u>	<u>Allegation</u>	<u>Alleg. Effect</u>
1	PC 273a(a)	2-4-6 State Prison	PC 803(c) PC 12022.95	Check Code +4 Yrs. State Prison
2	GC 6200	2-3-4 County Jail	PC 803(c)	Check Code

STEFANIE RODRIGUEZ

<u>Ct.</u>	<u>Charge</u>	<u>Charge Range</u>	<u>Allegation</u>	<u>Alleg. Effect</u>
1	PC 273a(a)	2-4-6 State Prison	PC 803(c) PC 12022.95	Check Code +4 Yrs. State Prison
2	GC 6200	2-3-4 County Jail	PC 803(c)	Check Code

GREGORY MERRITT

<u>Ct.</u>	<u>Charge</u>	<u>Charge Range</u>	<u>Allegation</u>	<u>Alleg. Effect</u>
1	PC 273a(a)	2-4-6 State Prison	PC 12022.95	+4 Yrs. State Prison
3	GC 6200	2-3-4 County Jail	PC 803(c)	Check Code

PATRICIA CLEMENT

<u>Ct.</u>	<u>Charge</u>	<u>Charge Range</u>	<u>Allegation</u>	<u>Alleg. Effect</u>
1	PC 273a(a)	2-4-6 State Prison	PC 12022.95	+4 Yrs. State Prison
3	GC 6200	2-3-4 County Jail	PC 803(c)	Check Code

I order that the defendant(s) be held to answer therefore and be admitted to bail in the sum of:

KEVIN BOM	_____	Dollars
STEFANIE RODRIGUEZ	_____	Dollars
GREGORY MERRITT	_____	Dollars
PATRICIA CLEMENT	_____	Dollars

and be committed to the custody of the Sheriff of Los Angeles County until such bail is given. Date of arraignment in Superior Court will be:

KEVIN BOM _____ in Dept _____

STEFANIE RODRIGUEZ _____ in Dept _____

GREGORY MERRITT _____ in Dept _____

PATRICIA CLEMENT _____ in Dept _____

at: _____ A.M.

Date: _____

Committing Magistrate