

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

**CIVIL ACTION No. 22-cv-11437-DJC**

**MICHELLE GEIGEL, as administrator of  
the Estate of Cristhian Geigel,  
Plaintiff**

v.

**ISMAEL ALMEIDA, and JOHN/JANE  
DOES NOS. 1–2,**

**Defendants.**

**STATEMENT OF FACTS IN SUPPORT OF DEFENDANT ISMAEL ALMEIDA’S  
MOTION FOR SUMMARY JUDGMENT**

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Pursuant to Local Rule 56.1, Defendant Ismael Almeida (“Officer Almeida”) submits this Statement of Undisputed Material Facts in support of his motion for summary judgment.

May 26, 2019, Arrest of Geigel

1. At approximately 1:08 PM on May 26, 2019, Boston Police Officers responded to a radio call of a person with a sword in the area of 1341 Boylston Street. See Exhibit 1, Incident Report - CAD Incident - P190258745 (COB 000061-000064). The suspect was identified as Cristhian Geigel (“Geigel”). See id.
2. During that encounter, Boston police arrested Geigel for an outstanding warrant issued by the Superior Court of Grafton County, New Hampshire for failure to appear in court. See id.

3. Geigel was brought to the D-4 station for booking. See Exhibit 2, Booking Sheet (COB 000033-000035).
4. Officer Almeida was off duty on May 26, 2019. See Exhibit 3, D-4 BATs sheet (COB 001156-001175). He was not present at D-4 and was not working as the booking officer when Geigel was processed through booking. See id.; Exhibit 2.

#### Death of Geigel

5. Sergeant Detective Charles Cellucci of the Boston Police Department Internal Affairs Unit investigated the circumstances of Geigel's death, the product of which was an investigative report. See Exhibit 4, Report of Sgt. Det. Charles Cellucci (COB 001063-001079).
6. After booking, Geigel was transferred to cell #16 at D-4. Id.
7. He remained detained there from May 26, 2019, to the following day, May 27, 2019 (Memorial Day). Id.
8. At approximately 6:13 PM on May 27, 2019, Geigel reached into the back of his pants and retrieved an item. Id.
9. At 6:18 PM, Geigel walked over to the sink and appeared to be snorting a substance for the next few minutes. Id. at COB 001067-001070.
10. At 6:21 PM, Geigel then walked to the cell bed and lay face-down with the hood of his sweatshirt over his head. Id. at COB 001073.
11. At 6:40 PM, Geigel appears to take his last breath. Id. at COB 001073.

#### Officer Almeida's Overnight Shift

12. Officer Almeida worked the last-half overnight shift at the D-4 station during the late night (11:45 PM to 11:59 PM) of May 27, 2019, and the early morning (12:00 to 7:45

AM) of May 28, 2019. See Exhibit 3, at COB 1174; Exhibit 5 Prisoner Inspection Record (COB 001032-001041), at COB1040–1041. This was Officer Almeida’s first time working at D-4 since before Geigel was arrested. See Exhibit 3.

13. Officer Almeida conducted cell checks between midnight and 4:00 AM on May 28, 2019. Exhibit 5 at COB 001040-001041.

Geigel is Discovered Unresponsive

14. At 8:39 AM on May 28, 2019, an officer entered cell #16 and attempted to wake Geigel for court; Geigel was still face-down on the cell bed. Exhibit 4 at COB 001076. As the officer got close to Geigel, he observed that Geigel was very stiff and not moving. Id. at COB 001063.

15. Officers at the D-4 station called Boston EMS. Id. at COB 001064.

16. Boston EMS was dispatched at 8:43 AM and arrived at D-4 at 8:45 AM. See Exhibit 6, Boston EMS Care Event Report for Incident: 191480089 (COB 000156). When Boston EMS arrived, they pronounced Geigel deceased at 8:47 AM. See Exhibit 7, Office of the Chief Medical Examiner Dispatch Removal Report (COB 000168-000169).

17. The Office of the Chief Medical Examiner arrived on scene at 11:15 AM and cleared the scene at 11:30 AM. Exhibit 7.

18. The autopsy report lists Geigel’s cause of death as “Acute intoxication due to the combined effects of fentanyl, oxycodone, methamphetamine and heroin.” The report lists the manner of death as “accident, (substance abuse).” See Exhibit 8, OCME Declaration of Cause and Manner of Death (COB 000126).

19. The postmortem toxicology report indicates that Geigel’s heart blood was positive on fentanyl screen, methamphetamine screen and opiates screen. See Exhibit 9, Postmortem

Toxicology Report at 1 (COB 000117). An entry for “organic bases and neutrals” notes: “methamphetamine, oxycodone and fentanyl detected.” Id. Geigel’s vitreous humor was found to contain 1.9 ng/ml of fentanyl. Id.

Notification of Next of Kin

20. As of May 28, 2019, Plaintiff, Michelle Geigel (daughter of Geigel), lived with Jannette Gonzales (ex-wife of Geigel). Exhibit 10 Michelle Geigel Dep. at 20:9-22; Exhibit 11, From Det. Timothy C. Evans re: Homicide Victim-Family Notification Information (COB 000180); Exhibit 12, Jannette Geigel Driver’s License (COB 000052-000053); Exhibit 13, Michelle Geigel Driver’s License (COB 000059).
21. On the evening of May 28, 2019, Detectives Timothy Evans and Kenneth Autio of the Boston Police Department Homicide Unit came to the home of the Plaintiff and Gonzales and informed them of Geigel’s death. Exhibit 14, Homicide Unit Investigation Report, at COB 000178; Exhibit 10 at 23:22-25:1, 26:9-12, 30:2-6.
22. Detective Autio informed Plaintiff that the Boston Police Department received an anonymous call on Sunday, May 26, 2019, about a man outside of Target playing with a sword believed to be real. Exhibit 10 at 26:15-23. Detective Autio further stated that at the scene of the arrest, Geigel was shown to have an active warrant and subsequently taken in to bring him to court in New Hampshire on Tuesday, May 28, 2019, due to the Memorial Day holiday on Monday, May 27, 2019. Exhibit 10 at 26:24-27:7, 28:18-23.
23. Detective Autio told Plaintiff that the Boston police officers found Geigel unresponsive on Tuesday morning, May 28, 2019. Exhibit 10 at 23:22-24:11, 27:6-7, 28:18-23.
24. Detective Autio told Plaintiff that Geigel’s death was under investigation and that it was a possible overdose. Exhibit 10 at 27:8-17, 29:2-22, 42:24-43:6.

25. The detectives suggested Plaintiff seek an attorney. Id. at 27:10-22, 35:22-36:10.

Plaintiff's Actions Following Geigel's Death

26. On May 29, 2019, based on Detective Autio's suggestion, Plaintiff sought out her current counsel. Id. at 27:18-28:1, 30:13-16.

27. On May 30, 2019, Plaintiff signed a form authorizing Casper Funeral Services to make funeral arrangements for Geigel. Exhibit 10 at 37:10-38:6. See Exhibit 15 Casper Funeral Services Authorization for Release Form (COB 000161-000162).

28. In December 2019, Gonzales, Plaintiff and her attorney requested a meeting with the Suffolk District Attorney's Office for more information regarding the investigation into Geigel's death. Exhibit 10 at 40:20-41:21.

29. At this meeting, Gonzales and Plaintiff were informed that the District Attorney's Office had a video and still images of Geigel in the cell ingesting drugs, seizing after ingesting drugs, and not breathing. Id. at 41:13-42:6. Plaintiff was offered the chance to look at the images from the video but refused. Id. at 42:7-13.

30. When asked whether she learned anything new from her conversation at the District Attorney's Office, Plaintiff testified that it only confirmed that Geigel's death was an overdose from drugs Geigel had on him when he died. Id. at 40:24-41:7, 42:21-43:13.

Dated: April 26, 2024

Respectfully submitted:

**DEFENDANT, CITY OF BOSTON**

By its attorneys:

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**CERTIFICATE OF SERVICE**

I, Randall F. Maas, hereby certify that I served a true copy of the above document upon all parties of record via this court's electronic filing system on April 26, 2024.

Dated: April 26, 2024

/s/ Randall F. Maas  
Randall F. Maas