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DERIK VICTOR OAKES

7 SUPERIOR COURT, STATE OF CALIFORNIA
8 COUNTY OF EL DORADO

10 PEOPLE OF THE STATE OF
CALIFORNIA,

11 Plaintiff,

12 v.

13 DERIK VICTOR OAKES,

14 Defendant.

) Case No.: P20CRF0146

)
) **DEFENDANT'S PRE PLEA REPORT**
) **AND APPLICATION TO DECLARE**
) **OFFENSES TO BE MISDEMEANORS**
) **[PEN.C. § 17(b)]**

)
)
) Date: May 27, 2021
) Time: 8:00 a.m.
) Dept: 7

16
17 **TO THE DISTRICT ATTORNEY OF EL DORADO COUNTY AND HIS DEPUTY,**
18 **MILES PERRY:**

19 **PLEASE TAKE NOTICE THAT** on May 27, 2021 or as soon thereafter as may be
20 heard, defendant Derik Victor Oakes will move the court for an order declaring as
21 misdemeanors any eligible offenses for which he is held to answer pursuant to Penal Code
22 section 17(b). The motion is based on the points and authorities contained herein, the attached
23 exhibits, and any other documents or things in the record or therein understood.

24 Dated: May 10, 2021

LAW OFFICE OF ADAM J. RICHARDS

25 By: 
Adam J. Richards, Attorneys for Derik Oakes

1 derives solely from shockingly complex, draconian, and arguably unconstitutional firearm
2 statutes created by our beloved politicians in Sacramento.

3 Those who know Mr. Oakes are both surprised and frustrated by these allegations. They
4 maintain that Mr. Oakes is an incredibly hardworking and responsible person as well as a
5 doting and caring father. Unsurprisingly, given his chosen profession, they also assert that he is
6 selfless and goes out of his way to help others in his personal life.

7 The district attorney's current offer in this case would require Mr. Oakes to enter a plea
8 to a felony offense. Aside from the obvious detriment of making Mr. Oakes a felon, a felony
9 conviction would also immediately and automatically cause the termination of Mr. Oakes from
10 Sac Metro ending his firefighting career of over two decades.

11 As a result of going through this process and consulting with counsel who is
12 experienced in firearms law, Mr. Oakes has been educated about California gun laws. It is a
13 virtual certainty that he will comply with the letter of our state's complex gun laws in the
14 future. He does not now nor has he ever posed a risk of harm to anyone; to the contrary, he is
15 an asset to our community and the wellbeing of its citizens. The interests of justice dictate that
16 Mr. Oakes's offenses capable of being reduced should be declared to be misdemeanors by the
17 court. While he would still face a pending felony in Count 1 should he be held to answer, the
18 reduction of the other offenses will position him more favorably in this case and allow him to
19 focus his defense on the charge of manufacturing a so-called assault weapon.

20 POINTS AND AUTHORITIES

21 I.

22 **THE INTERESTS OF JUSTICE SUPPORT THE EXERCISE OF THIS COURT'S** 23 **DISCRETION TO DECLARE ELIGIBLE OFFENSES TO BE MISDEMEANORS.**

24 Mr. Oakes is charged in Counts 2 and 3 with violations of Penal Code sections 30605
25 and PC21810. Both charges are so-called "wobblers" and may, by statute, be charged as

1 misdemeanors.

2 Penal Code section 17(b)(5) provides that:

3 (b) When a crime is punishable, in the discretion of the court, by
4 imprisonment in the state prison or by fine or imprisonment in the
5 county jail, it is a misdemeanor for all purposes under the following
6 circumstances: (5) when, at or before the preliminary examination or
7 prior to filing an order pursuant to section 872, the magistrate
8 determines that the offense is a misdemeanor, in which event the case
9 shall proceed as if the defendant had been arraigned on a
10 misdemeanor complaint.

11 Thus, this Court clearly has the broad discretion to declare the charged offenses to be
12 misdemeanors. There is surprisingly little authority concerning what factors should guide a court
13 concerning the exercise of this discretion. In *In re Anderson* (1968) 69 Cal.2d 613, the California
14 Supreme Court was faced with a constitutional challenge to the then unguided discretion of a jury
15 in a capital case in choosing between a sentence of life and death. Rejecting the constitutional
16 claim, the Supreme Court commented upon a trial court's discretion pursuant to Penal Code
17 section 17:

18 The discretion conferred upon the penalty jury is similar to that
19 conferred on the trial court to punish certain crimes as felonies or
20 misdemeanors. Many sections of the Penal Code vest in the trial
21 court discretion to sentence defendants convicted of such crimes to
22 state prison or jail, without mention of standards for exercise of that
23 discretion . . .

24 *****

25 The . . . distinctions [asserted by the defendant] are not persuasive.
In both cases the legislature has prescribed the punishments
available; in both it has authorized a specific body to make a choice
within legally prescribed limits. *The fact that a crime punishable as
a felony or a misdemeanor is regarded as a felony unless and until
the court imposes a misdemeanor (citations omitted) sentence does
not show that the Legislature prefers a felony sentence to be imposed
by the trial court*

A defendant's potential for rehabilitation is but one of several factors
the trial court considers in determining whether to sentence a
defendant to jail or prison. The trial court also considers matters such
as the community's need for protection (citations omitted), and no

1 specific standard controls the exercise of the court's discretion. *The*
2 *trial court's decision may be of less gravity than the penalty jury, but*
3 *both decisions involve grave consequences to the individuals*
4 *involved . . . (In re Anderson, supra, at pp. 626-27, emphasis added.)*

5 While the Legislature has since prescribed standards for the penalty jury, there is still no
6 legislation and scant case authority beyond the court's observations in *Anderson* to guide the
7 exercise of a Magistrate's discretion under Penal Code section 17(b)(5). Several appellate courts
8 have commented upon the policies which guide a magistrate in deciding such a motion under
9 Penal Code section 17(b)(5) at the time of a preliminary hearing. (See, e.g., *Henry v. Department*
10 *of Motor Vehicles* (1972) 25 Cal.App.3d 649, 653 (legislature had in mind unburdening of
11 superior courts from cases likely to be given misdemeanor sentences, to save time by eliminating
12 unnecessary felony prosecutions, and to encourage guilty pleas because of reduced sentencing
13 exposure).)

14 In practice, courts have generally looked to the same factors which have guided
15 discretionary sentencing choices, focusing on the nature and gravity of the offense and the
16 background of the defendant. The California Supreme Court acknowledged that this is the
17 appropriate inquiry:

18 We find scant judicial authority explicating any criteria that inform
19 the exercise of section 17(b) discretion (But see *In re Anderson,*
20 *supra*, 69 Cal.2d at p. 627.) However, since all discretionary
21 authority is contextual, those factors that direct similar sentencing
22 decisions are relevant, including "the nature and circumstances of the
23 offense, the defendant's appreciation of and attitude toward the
24 offense, or his traits of character as evidenced by his behavior and
25 demeanor at the trial." (Citations omitted.) When appropriate,
judges should also consider the general objectives of sentencing such
as those set forth in California Rules of Court, rule 410. (Footnote
omitted.) (*People v. Superior Court (Alvarez)* (1996) 14 Cal.4th 968,
978.)

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1 **A. Mr. Oakes Has Led A Productive And Responsible Life, Has Contributed**
2 **Extensively to the Community Through Employment, And He Appreciates**
3 **The Gravity Of The Charged Offenses And Conduct.**

4 Many individuals have submitted letters on behalf of Mr. Oakes, a substantial portion of
5 whom are current or retired firefighters. These letters can be found in Exhibit “C”. Portions of
6 some of the letters are excerpted below to highlight certain aspects Mr. Oakes’s character,
7 work ethic, and morals. These letters, along with commendations for his acts above and
8 beyond the call of duty as a firefighter, demonstrate that Mr. Oakes is not only a hardworking,
9 productive member of society, but that he is a true hero.

10 Christopher Reed is a Battalion Chief with Sacramento Metropolitan Fire District and
11 has been a firefighter in various capacities for over three decades. He worked closely with Mr.
12 Oakes for five years in the early 2000s and has known him for nearly two decades. In his letter
13 submitted to the court, he provides poignant insight into Mr. Oakes’s character and
14 idiosyncrasies and writes in relevant part:

15 I met Derik when I was a Captain at Metro Fire Station 109 and
16 he was assigned as my Firefighter. For at least five years we worked
17 together on fire calls, medical aid dispatches, and HazMat calls. When
18 Derik promoted to the rank of Captain he was assigned to work on
19 another shift opposite mine, but on several occasions since then I have
20 worked with him as both his supervisor and mentor.

21 Over the twenty years I have worked with Derik I have found him
22 to be a dedicated and reliable district employee. In terms of his
23 leadership, I have observed that Derik actively seeks out ways to inspire
24 and motivate his crew. He is the only Captain I know of who writes and
25 distributes an inspirational message to his crew every day. He has told
26 me on several occasions that it is his personal philosophy to actively
27 participate in crew training and activities, and that he would never ask
28 anything of his crews that he wouldn’t do himself.

29 Derik has participated in many charity events that require
30 incredible commitment and dedication. Our department raises money for
31 charity through annual Guns and Hoses football game between fire
32 personnel and local police, and Derik has played in several of these
33 games, risking injury and taking time away from his family. Recently, a
34 local charity organized a boxing match between fire and law
35 enforcement, and while I personally would not have taken this risk,
36 Derik participated and won his match.

1
2 The Derik Oakes I have known is not a person who is violent and
3 I have never known him to threaten others. I would have no problem
4 inviting him to spend time in my home or with me anywhere in the
5 community.

6 I know that both Derik and his wife are competition shooters, but
7 I have not personally participated in that part of his life. I do own a
8 shotgun but I am not interested in the sport and can say that we have
9 never spoken about guns outside of this incident.

10 I know that Derik is devastated by these charges. He is worried
11 about the future of his family and his career. We have spoken about his
12 distress for the damage such charges have brought on himself, his family,
13 and his department and I am pleased to offer my observations as to his
14 character.

15 Please understand, I would not go out of my way to make these
16 statements if it were not my truly held opinion that Mr. Oakes is
17 someone I feel is an asset to his community and family.

18 (Letter of Christopher Reed, Battalion Chief, Exhibit A)

19 Anthony Peck, another Battalion Chief with Sac Metro, writes a similarly laudatory
20 letter but from a more personal perspective given the social capacity in which he has grown to
21 know Mr. Oakes and his family over the years:

22 I have known Derik Oakes for about fifteen years, first meeting at
23 the Sacramento Metropolitan Fire District (SMFD). Throughout the
24 years Derik has been a good friend, valued co-worker and a
25 remarkable public servant. Derik is a hard-working man who has
26 overcome waves of adversity to be blessed with a beautiful home
27 and family, as well as reaching the rank of Captain for SMFD. He
28 has come a long way from the horrific bicycle accident he suffered
29 as a teenager which almost took his life.

30 Although Derik and I met at SMFD, most of my interaction with
31 him has been as friends outside work. represented him as his
32 realtor, watched as he grew his family and spent many times
33 together with him and co-workers. Derik has always taken pride in
34 how he represents himself and would give the shirt off his back to
35 help anyone. He is a very loving father who spends quality time
36 with his children and works very hard to provide a good and
37 healthy home for his family. Additionally, he mentored and guided
38 his younger brother (when there was no one else around to help)
39 who now has an amazing family and is also a well-respected

1 Captain at SMFD. Derik has been very influential in his family and
2 is the "rock" that keeps things together.

3 For many years Derik and I worked at the same fire station.
4 Initially, we were both firefighters and then I eventually became his
5 Captain. Derik has always impressed me with not only his skills
6 and abilities, but his desire to mentor others and help create success
7 for them. Derik sincerely takes pride in his role as a public servant
8 and I have personally seen him "save" lives and make a positive
9 difference in multitudes of patients. Derik has done some
10 incredible things as a firefighter, one of which was literally saving
11 the life of a Deputy Sheriff involved in a helicopter crash. He is
12 truly an asset to the community he serves and I have to admit I
13 would want him walking up to my home if there was an
14 emergency. The public is very lucky to have him working in the
15 capacity he does.

16 (Letter of Anthony Peck, Exhibit A)

17 A theme arising in nearly every letter submitted in support of Mr. Oakes is his desire to
18 help others and his calm, pensive demeanor, a view shared by the two battalion chiefs, three
19 captains, four engineers, and six "standard" firefighters who submitted letters. Even those
20 from different walks of life, including a retired Stockton Police Officer with a 32-year career
21 and a psychotherapist who is close friends with Mr. Oakes and his family, share high praise for
22 Mr. Oakes. To excerpt every comment, anecdote, and vignette illustrating Mr. Oakes's strong
23 moral character and proclivity to help others would consume excess volume in this already
24 detailed motion. Instead, a concluding thought from Kami Prehoda, a licensed and practicing
25 Marriage and Family Therapist is appropriate and relevant:

Derik is a good person. Given my extensive knowledge of the
criminal justice system, I'm aware there is quite a bit of discretion
one has when deciding the outcome of a case. If anyone ever
deserved a bit of discretion, grace and prudence, its Derik. Talk to
him. Take a minute out of your day to see him for who he is in his
entirety. With all due respect, I believe once an individual is able to
see all aspects of this case including his character, intent and lack of
motive/s it will be clear that he is of no harm to anyone rather a
person who has dedicated his life to helping others.

(Letter Tami J. Prehoja, MA, LMFT, Exhibit A)

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One final illustration of what Mr. Oakes is made of derives from an incident for which he received from Sac Metro a ‘Recognition for Outstanding Acts During the Course of Duty Performed as a Company’ pertaining to an incident on December 30, 2012. (See Sacramento Metropolitan Fire District – Company Citation – presented to Derik Oakes – Engine Company 109 “C” – In recognition for OUTSTANDING ACTS DURING THE COURSE OF DUTY PERFORMED AS A COMPANY On December 30, 2012, Exhibit C) A young girl of twelve years battling cancer was traveling to the Sacramento Ballet Company performance of Peter Pan with her family. En route, she suffered a medical emergency with seizures and Mr. Oakes, working as a firefighter/paramedic, responded. He and his colleague treated the girl and transported her to Mercy San Juan Hospital. Upon returning to the station Mr. Oakes and others felt poorly for the little girl who missed the ballet during the Christmas Season while struggling with her illness. Mr. Oakes and his colleague then traveled the Sacramento Ballet facility and explained the situation to encourage the performers to do something remarkable that night. As a result, some of the cast traveled, in costume, to the girl’s hospital room for an impromptu performance and to meet the girl.¹ This is the type of man we are dealing with in this case. Another commendation is appended hereto as Exhibit ‘D’ though that recognition is for more standard firefighter stuff like pulling a citizen out of a burning vehicle at great personal peril or rendering life-saving medical care in difficult circumstances.

* * *

¹ In the interest of judicial economy, Defendant offers this hearsay account for consideration in Mr. Oakes’s motion for misdemeanor. Should there be an objection by the People and/or the court wishes to hear testimony on the matter, the defense is happy to call percipient witnesses to testify about this incident to corroborate the basis for the Company Citation Mr. Oakes received in recognition of his efforts on December 30, 2012 wherein he went out of his way to brighten the world of a very sick child. Additionally, any of the character witnesses may be called, if the People object to the consideration of their letters in this motion, to testify about Mr. Oakes’s character and authenticate their letters.

1 Mr. Oakes does not take this case lightly and he has been deeply impacted by the
2 situation. Ms. Prehoda and others detail in their letters the effect that the pending proceedings
3 have had on Mr. Oakes and his family. Mr. Oakes has already internalized this incident and
4 taken it to heart. A harsh punishment in the form of a felony is not needed to drive home a
5 message to Mr. Oakes; he already got the message. This attorney can affirm that, since his
6 arrest, Mr. Oakes has been educated well beyond the average gun owner or even law
7 enforcement officer on the details of federal and California gun law. He will not make the
8 same mistakes in the future.

9 The letters of support and commendations (“Company Citations”) contained herein
10 demonstrate that Captain Oakes is an upstanding, productive, and moral person with an
11 excellent reputation in the community. He is an extremely hard worker who has dedicated his
12 life to a career helping others in their most dire hours. Mr. Oakes’s work ethic, moral character,
13 and his contributions to society support an order reducing Counts 2 and 3 to misdemeanors.

14 **B. Mr. Oakes Will Be Terminated From His Position as a Firefighter With**
15 **Sacramento Metropolitan Fire District and Lose His Career if Convicted**
of a Felony Offense.

16 Mr. Oakes will lose the career in which he has excelled and advanced over his entire
17 adult life should he be convicted of a felony offense in this case. This is not bluster or
18 speculation. Attached is a letter from Mr. Oakes’s employment attorney, Joshua Olander of
19 Mastagni Holstedt. Mr. Olander prepared a letter pertaining to the potential collateral
20 consequences to Mr. Oakes should he incur a felony conviction. The letter provides in relevant
21 part:

22 **I can unequivocally state that any felony conviction will result in his**
23 **termination from the Sacramento Fire Department.**

24 (Letter of Joshua Olander, Exhibit B) **(emphasis added)**

1 A felony conviction based on the complex, draconian, and arguably unconstitutional
2 statutes governing so-called “assault weapons” will force Mr. Oakes to give up the life that he
3 has built and earned for himself and his family. The interests of justice support a reduction to
4 misdemeanors of Counts 2 and 3.²

5 **C. A Misdemeanor Conviction With Probation Is Sufficient To Punish Mr.**
6 **Oakes And To Protect The Community.**

7 There is no reason to believe that Mr. Oakes would ever again come before the Court
8 for similar conduct or any other criminal offense. The Court would have available at the time
9 of any sentencing if he were convicted up to one year in county jail along with conditions of a
10 grant of misdemeanor probation for any reduced offenses. A conviction for a misdemeanor
11 criminal offense and probation with conditions including possible incarceration and/or a
12 suitable period of community service certainly are sufficient under the circumstances present in
13 this case if Mr. Oakes is ultimately found criminally responsible. It borders on farcical to
14 consider with any substance the concern for public safety given that Captain Oakes has never
15 before been arrested, has no record of violence, is not alleged to have threatened anybody, has
16 a calm disposition, is a firefighter, and the offenses he is facing are mere technical violations of
17 firearm and other weapons laws and involve no element of violence or aggression. Mr. Oakes
18 would follow any orders of the court on probation.

19 **II.**

20 **CALIFORNIA’S ASSAULT WEAPON SCHEME IS COMPLEX, FREQUENTLY IN**
21 **FLUX, AND LEAVES CITIZENS VULNERABLE TO PROSECUTION WITHOUT**
22 **THE KNOWLEDGE OF THE NATURE OR EXTENT OF THEIR VIOLATIONS.**

23 Assault weapon law in California was complex from the start and has become
24 increasingly so. Mr. Oakes is alleged to have possessed multiple rifles that are assault weapons

25 ² The appropriate and just disposition for Count 1 is addressed in other motions submitted contemporaneous to this.

1 as defined by section 30515. It is not disputed that Mr. Oakes possessed the firearms in
2 question. Most AR-15 and AK-type rifles when configured in a particular way, are legal to
3 own and possess in California. Due to the onerous and complex laws governing firearms in
4 California, the addition of even cosmetic features to the rifle can bring it within the parameters
5 of the Control of Deadly Weapons Act and render it an assault weapon. Such additional parts
6 may not affect the functionality in any way yet are proscribed by the Penal Code. The reason
7 for this is the ill-conceived, poorly understood (by many gun owners and police officers), and
8 arguably unconstitutional laws governing assault weapons. Penal Code section 30515 provides
9 in relevant part:

10 (a) Notwithstanding Section 30510, "assault weapon" also means any of the
11 following:

12 (1) A semiautomatic, centerfire rifle that does not have a fixed magazine
but has any one of the following:

13 (A) A pistol grip that protrudes conspicuously beneath the action of
the weapon.

14 (B) A thumbhole stock.

15 (C) A folding or telescoping stock.

16 (D) A grenade launcher or flare launcher.

17 (E) A flash suppressor.

(F) A forward pistol grip.

(Pen. Code, § 30515)

18 The result of this legislation is that the addition of cosmetic features such as a pistol grip
19 may form the basis for a rifle becoming an assault weapon thereby subjecting the owner to a
20 potential felony charge. The replacement of only the cosmetic pistol grip and the stock that
21 can extend several inches in or out would render the rifle in question to be lawful. The
22 cosmetic change of the grip and stock does not make a gun any more deadly or dangerous and
23 yet the difference from one grip to the next can cause an unsuspecting gun owner to unwittingly
24 commit a crime.

1 Even more nuanced is the issue of so-called bullet button devices and now mag-lock
2 devices. The addition of a small device called a bullet button which is imperceptible to the
3 untrained eye, previously made a rifle lawful in California while another rifle with the identical
4 appearance and parts (other than the bullet button) is an assault weapon.³ A bullet button
5 modified the rifle's ability to "accept a detachable magazine." Prior to January 1, 2017, if a
6 rifle was not capable of accepting a detachable magazine, then the presence of the features
7 listed in section 30515(a)(1)-(5), such as a pistol grip or telescoping stock, do not render the
8 rifle an assault weapon and the rifle is lawful. California Code of Regulations Title 11 section
9 5469 defines the term 'detachable magazine' and provided in pertinent part:

10 (a) "Detachable magazine" means any ammunition feeding device
11 that can be removed readily from the firearm with neither
12 disassembly of the firearm action nor use of a tool being required.
13 A bullet or ammunition cartridge is considered a tool. Ammunition
14 feeding device includes any belted or linked ammunition, but does
15 not include clips, en bloc clips, or stripper clips that load cartridges
16 into the magazine.

17 (Cal. Code Regs. tit. 11, § 5469.)

18 A bullet button is a part that is installed on a rifle in lieu of the standard magazine
19 release found on AR-15 (and other similarly configured) type rifles in order to comply with
20 California law until fairly recently. The device, in sum, prevented a magazine, once fully
21 inserted, from being released from the rifle unless a tool, such as a bullet tip or other similar
22 pointed implement, is inserted in a recess in the device thereby actuating a recessed button and
23 releasing the magazine. These devices, which were developed in approximately 2006, were
24 accepted as devices which, when installed properly, rendered a rifle as **not** being capable of
25 accepting a detachable magazine since, per the definition, a tool is required to remove the
26 magazine once inserted until January, 2017. This allowed Californians to own AR-15 type

³ SB-880 and Proposition 63 revised the definition of assault weapon and beginning January 1, 2017, so-called bullet buttons no longer function to render a rifle as not having a detachable magazine.

1 rifles and maintain the features commonly found on these rifles in other states due to the lack
2 of a detachable magazine.

3 As of January 1, 2017, a bullet button became legally insufficient to render a featured,
4 semiautomatic centerfire rifle lawful and compliant under the definition of an amended section
5 30515 and California Code of Regulations. A new device is now required which is similarly
6 inconspicuous to a bullet button. These devices, colloquially referred to as “bullet button 2.0”
7 or “magazine lock” or just “mag lock” are designed to prevent removal of a magazine unless
8 the action of the firearm has been disassembled. In the case of an AR-15-type rifle, this usually
9 involves the actuation of the rear take-down pin and “scissoring” open the action of the rifle
10 while pivoting on the front pivot pin. These devices are the next step in compliance with ever
11 changing gun laws in California. The installation of this simple device which costs less than
12 \$50.00 and can be installed in minutes would have rendered Mr. Oakes’s rifles lawful; instead,
13 the absence of this device on his firearms is now causing him to face felony convictions with
14 potential state prison. There are other methods by which the rifle could be rendered lawful,
15 including the mere separation of the upper and lower receivers (11 CCR § 5471) or removing
16 the features which run afoul of section 30515.

17 Whether a rifle is equipped with a bullet button or a magazine lock is not something that
18 is obvious without close inspection of the firearm’s magazine release by someone who is
19 versed in what the device does. Some of Mr. Oakes’s rifles were outfitted with “bullet button”
20 devices while others had standard magazine releases. However, based on the foregoing, this
21 omission is mitigated; Mr. Oakes is not versed in firearms law and did not understand the
22 nuances of what would render the rifle lawful and he repeatedly stated as much during his
23 voluntary interview with Officer Hiatt after execution of the search warrant. While possession
24 of the rifles was a violation of law, the fact that Mr. Oakes’s rifles were not compliant is not
25

1 evidence of intent to engage in nefarious conduct nor did it make the weapons more potent or
2 lethal.

3 * * *

4 The DOJ did not, nor has it ever, undertaken a public education campaign using local
5 media, bulletins in gun stores, or any other widespread method to notify gun owners of the
6 changes in assault weapon laws. There is not nor has there ever been a guide published by the
7 DOJ available in gun stores or other places gun owners might frequent to explain current gun
8 law. Instead, gun owners must undertake complex research pertaining to all the permutations in
9 which a firearm may be lawful or unlawful. It literally takes an expert to fully apply and
10 understand the breadth of California firearms law. Some people do it by shallow understanding
11 of some basic rules conveyed by a gun store. Anyone who changes, reconfigures, or builds a
12 rifle is in great peril of unwittingly violating the law due to the complexity. Mr. Oakes is an
13 enthusiast and competitor. He is not a legal expert on firearms. While one might argue that Mr.
14 Oakes should have taken it upon himself to become an expert given his collection and his
15 affinity for assembling firearms, the complexity of the ever-evolving law substantially
16 mitigates the conduct in this case.

17 The complexity and nuance of California guns laws militates toward a reduction to
18 misdemeanor of Count 2 in this matter.⁴

19
20 **CONCLUSION**

21 The legislature has determined that certain violations of the offenses alleged against Mr.
22 Oakes should appropriately result in a felony conviction while other violations appropriately
23 _____


24 ⁴ Penal Code section 30800 allows a district or city attorney to civilly compromise violations of section 30605 by declaring
25 the seized gun a nuisance for destruction and dismissing the criminal matter. Despite the language of the statute, simple
separation of powers doctrine suggests the court is authorized, on its own motion, to do the same without assent from the
People. Of course, section 1385 serves a similar function should the court choose to exercise its discretion.

1 call for a misdemeanor disposition. Under all the facts and circumstances before the Court in
2 this action, Mr. Oakes is deserving of a reduction to misdemeanors of any eligible offense for
3 which he is held to answer including Counts 2 and 3. For the foregoing reasons, the interests
4 of justice support such an order

5
6 Respectfully submitted.

LAW OFFICE OF ADAM J. RICHARDS

7
8 Dated: May 10, 2021

By 
ADAM J. RICHARDS,
Attorneys for Defendant
Derik Victor Oakes

INDEX

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
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Exhibit A – Letters of Support

- Christopher Reed
- Anthony Peck
- Brian Evers
- Ryan Basque
- Timothy Beard
- Charles Lynch
- Jandel David
- Mark Rogers
- Travis DeCampos
- Jacob Bartlett
- Greg Lynch
- Nathan Walker
- Owen Thomas
- Derek Sullivan
- Tyler Block
- Kami J. Prehoda
- Kimber Goddard
- Gordon Gray
- Shauna Naylor

Exhibit B – Letter of Joshua Olander, esq. – Mastagni Holstedt – 9/14/2020

Exhibit C – Outstanding Acts During the Course of Duty Performed as a Company – 12/30/2012

Exhibit D – Outstanding Acts or Service Performed as a Company – 8/17/2008

EXHIBIT

A

August 10, 2019

To Whom it may concern,

I am writing this letter in support of my friend and colleague, Captain Derik Oakes.

First, let me preface this letter by telling you about myself. My name is Christopher Reed and I am a Battalion Chief at the Sacramento Metropolitan Fire Department. I was hired as a Firefighter in February, 1990 and have risen through the ranks to my current position as a battalion chief over eight fire stations and approximately 40 personnel. Like Derik, I also am a Hazardous Materials specialist.

I am the father of three sons, all of whom have established themselves in their own right, each having graduated college and now working in the private sector. My wife and I have been married for 32 years and we live in the Arden Arcade area of Sacramento. We first moved to California in 1985 and have lived in the Sacramento area continuously since 1988. I am active in my community, having served as the President of the PTA at the Deterding School in Carmichael, and I was the coach of my son's soccer team for 5 seasons. I belong to the Presentation Catholic Church in the Arcade area and have been involved in several of their fundraising events.

Over the years I have been an Emergency Medicine instructor at American River College in both their EMT and Paramedic Programs, and I have taught recertification classes for healthcare professionals at the UC-Davis Medical Center.

I met Derik when I was a Captain at Metro Fire Station 109 and he was assigned as my Firefighter. For at least five years we worked together on fire calls, medical aid dispatches, and Haz Mat calls. When Derik promoted to the rank of Captain he was assigned to work on another shift opposite mine, but on several occasions since then I have worked with him as both his supervisor and mentor.

Over the twenty years I have worked with Derik I have found him to be a dedicated and reliable district employee. In terms of his leadership, I have observed that Derik actively seeks out ways to inspire and motivate his crew. He is the only Captain I know of who writes and distributes an inspirational message to his crew every day. He has told me on several occasions that it is his personal philosophy to actively participate in crew training and activities, and that he would never ask anything of his crews that he wouldn't do himself.

Derik has participated in many charity events that require incredible commitment and dedication. Our department raises money for charity through the annual Guns and Hoses football game between fire personnel and local police, and Derik has played in several of these games, risking injury and taking time away from his family. Recently, a local charity organized a boxing match between fire and law enforcement, and while I personally would not have taken this risk, Derik participated and won his match.

The Derik Oakes I have known is not a person who is violent and I have never know him to threaten others. I would have no problem inviting him to spend time in my home or with me anywhere in the community.

I know that both Derik and his wife are competition shooters, but I have not personally participated in that part of his life. I do own a shotgun but I am not interested in the sport and can say that we have never spoken about guns outside of this incident.

I know that Derik is devastated by these charges. He is worried about the future of his family and his career. We have spoken about his distress for the damage such charges have brought on himself, his family, and his department and I am pleased to offer my observations as to his character.

Please understand, I would not go out of my way to make these statements if it were not my truly held opinion that Mr. Oakes is someone I feel is an asset to his community and family. If you would like to discuss my comments further please feel free to contact me.



Christopher Reed
Battalion Chief
Sacramento Metropolitan Fire District
3442 Whitnor Court
Sacramento CA 95821

10 August 2019

To whom it may concern,

I have known Derik Oakes for about fifteen years, first meeting at the Sacramento Metropolitan Fire District (SMFD). Throughout the years Derik has been a good friend, valued co-worker and a remarkable public servant. Derik is a hard-working man who has overcome waves of adversity to be blessed with a beautiful home and family, as well as reaching the rank of Captain for SMFD. He has come a long way from the horrific bicycle accident he suffered as a teenager which almost took his life.

Although Derik and I met at SMFD, most of my interaction with him has been as friends outside work. I represented him as his realtor, watched as he grew his family and spent many times together with him and co-workers. Derik has always taken pride in how he represents himself and would give the shirt off his back to help anyone. He is a very loving father who spends quality time with his children and works very hard to provide a good and healthy home for his family. Additionally, he mentored and guided his younger brother (when there was no one else around to help) who now has an amazing family and is also a well-respected Captain at SMFD. Derik has been very influential in his family and is the "rock" that keeps things together.

For many years Derik and I worked at the same fire station. Initially, we were both firefighters and then I eventually became his Captain. Derik has always impressed me with not only his skills and abilities, but his desire to mentor others and help create success for them. Derik sincerely takes pride in his role as a public servant and I have personally seen him "save" lives and make a positive difference in multitudes of patients. Derik has done some incredible things as a firefighter, one of which was literally saving the life of a Deputy Sheriff involved in a helicopter crash. He is truly an asset to the community he serves and I have to admit I would want him walking up to my home if there was an emergency. The public is very lucky to have him working in the capacity he does.

Respectfully,

A handwritten signature in cursive script, appearing to read 'Anthony Peck', written in black ink.

Anthony Peck

10 August 2019

To whom it may concern,

I have known Derik Oakes for about fifteen years, first meeting at the Sacramento Metropolitan Fire District (SMFD). Throughout the years Derik has been a good friend, valued co-worker and a remarkable public servant. Derik is a hard-working man who has overcome waves of adversity to be blessed with a beautiful home and family, as well as reaching the rank of Captain for SMFD. He has come a long way from the horrific bicycle accident he suffered as a teenager which almost took his life.

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Respectfully,

A handwritten signature in cursive script, appearing to read "Anthony Peck".

Anthony Peck

Derik Oakes
3527 Lambeth Dr.
Rescue, CA 95672

To Whom it May Concern:

As a friend and colleague of Derik Oakes, I would like to share what I know about him.

I am a Fire Captain/Paramedic for Sacramento Metropolitan Fire District. I started in 1991 as a Firefighter/Paramedic.

I have known Derik since he began his firefighting career. Derik and I worked at Station 109 for a couple of years. I enjoyed working with Derik as did his crews. He was responsible and reliable.

Derik is straightforward, approachable, and professional. It is easy to speak with Derik about work and life. If there was a disagreement, it was easily handled by straight, respectful conversation. I valued Derik's input and insight.

Once, my family spent the day together with Derik and his family playing paintball. My wife and sons enjoyed the day with Derik and his family. Their family share the same ideals and values that we do.

I heard of his arrest through work. After hearing what the charges were, I felt that there must more to it.

Sincerely,



Brian Evers



To Whom it May Concern,

My name is Ryan Basque, I am married for 13 years and a father of four good kids. I am a Fire Captain with Sacramento Metropolitan Fire District, and I have been in the fire service for 17 years. I have lived in Placer and Nevada County for all of my life. I am a member of the Destiny Christian Center in Rocklin and a proud supporter, and sponsor, of two children from impoverished places. This is through a charity called Compassion International. My intention in writing you this letter is to reach out on behalf of my friend and mentor Derik Oakes. It is my goal to help you see him the way I, and many others that are close to him, see and know him.

I met Derik in 2011 when he was a newly promoted Fire Captain and I was a new "probie" Firefighter with Metro Fire. I had come from a smaller agency. As a new employee with the district my job was to work hard, train hard, and keep my mouth shut. It is sadly easy for Captains to be mean to "probies" as many see them as easy targets, or "fresh meat." I do not approve of this practice and this is one reason I was impressed by Derik quickly. Derik reached out to many of my peers and I, and it was immediately clear that he was here to help us, and work with us to make us successful. I have firsthand seen Derik work with countless new employees in the last eight years, and can confidently say that he has put the needs of each one (including me) before his own. Training a new employee in the fire service is hard work, and I am forever grateful for the hard work that Derik has dedicated to making me successful.

I have also had the privilege of climbing the ranks in our fire district. This is a direct result of the dedication and commitment that Derik gives to the people he works with. I worked as his Firefighter, and when it was time for me to try to promote to Engineer he was there to help teach me. After working as an engineer for a while I decided I was ready to become a Fire Captain, and there he was again to help mentor me and teach me. I can list many names that can say the exact same thing about his role and dedication to their success.

I hope the last two paragraphs have shown you how selfless Derik is to his coworkers, but I hope this paragraph can help show you how giving he is to his community. I have two stories that I believe show this. The first is from a house fire around Christmas time. A family had their Christmas tree catch fire and up with it burnt all their wrapped Christmas presents. Our crews put the fire out saving the house, but the Christmas presents were all destroyed. There were at least 25 firefighters on this fire, but



only one of them cared enough to do something truly selfless and special. On his own, Derik Oakes went to the store and bought hundreds of dollars in gift cards to toy stores and various retailers. He used his own money for this, and hand delivered the cards in a letter, to the family that had lost their Christmas in the last night's fire. My friend did this for no other reason than to give back to someone he didn't even know, but he saw they needed help. The second story is a simple one, but it illustrates in the same way who Derik Oakes is. We responded to a carbon monoxide leak from an elderly woman's wall heater. It was a cold night and the apartment was old and in disrepair. Due to the gas leak the woman's natural gas had to be shut off. This left her with no stove and no heater. The landlord was not willing to do anything that evening but assured us he would "get to it as soon as possible." Most fire companies would go back to the station and be done with the call, as we had done all we could do. That is not what Derik did. On his own, and with his own money, Derik made sure the elderly lady had an electric space heater to keep her warm. After that he took the engine to Boston Market and again with his own money, he bought her one of almost everything on the menu (as he didn't know her taste.) He hand delivered it to her door, so she would have something warm and good to eat that night. These are two examples that I know show who Derik Oaks is, and if you would like, I have many more examples to share.

I am familiar with the charges against Derik, and I know how he is feeling right now. I know that Derik has only wanted to take care of his family to the best of his ability. Derik, like me is a career firefighter. This is our profession and our craft. We love what we do, and I know he loves to be there to serve his community. He is good at it. The prospect of not being able to come to his work and do what he loves to do is crushing him. I can see the pain and confusion in his eyes from this event. I am left with a sadness in my heart at seeing how this is effecting him. Firefighting is the way he provides for his family, and I know how much his 8 year old son looks up to his father who is a Fire Captain. I hope that my letter can implore you to help Derik, and give him any kindness that is within your power. He is a good man, a great mentor, a loving family man, and my friend.

-Ryan Basque

14246 Sugar Loaf Rd.

Grass Valley Ca, 95949

(916)-759-4049

To Whom It May Concern:

My name is Tim Beard. I am a close friend of Derik's and would like to start by telling you a little about myself. I am a Captain for the Sacramento Metropolitan Fire District and have been a public servant with them for over fifteen years. Prior to my employment with Sac Metro, I proudly served my Country in the United States Navy as a Seabee. I currently live in Fair Oaks, California and have resided here for the past three years with my wife and three sons. I have lived in Sacramento County now for over fifteen years. My wife and I are very involved in our community and take great pride in our service to others. I founded the Sacramento 9/11 Memorial Run and Climb, my family and I raise funds for children's cancer research through The Alex's Lemonade Stand Foundation, I also work as Chair of the Sacramento Area Fire Fighters Benevolent Fund, sit on the committee for the Sacramento Area Fire Fighters Widows and Orphans Fund and work with several other organizations whose purpose is to better the community. Through my work as a fire fighter I have also been a preceptor for several Paramedic interns, worked as a lead instructor for live fire training as well as performed duties as a Drill Instructor and Drill Master for Sac Metro Fire Academies. I have been honored to receive the Employee of the Year award from Sac Metro, along with several other awards and citations for serving our community.

I am writing this to speak to the kind of person Derik is, the person I know and have known for almost fifteen years now. When I heard that Derik had been charged with several felonies, I was shocked to say the least. I have known Derik since 2006 and worked side by side with him for roughly four years on both Engine 61 and Medic 61. Both of these units are very busy serving the community of Rancho Cordova in Sacramento County. If you have ever had the misfortune of needing to use the 911 system, then I am sure that you are aware of just how much trust must be involved when you make that call. We responded to hundreds of calls together, helping citizens in their times of need. We entered their places of business and their homes and witnessed them in their most vulnerable moments and in their most private settings. Derik has always been a leader and always the person to bring calm to these very stressful situations. He would also be the first to go out of his way to ensure that problems in the community had the best possible outcome. Derik has always been a trustworthy, tactically sound leader who ensures those around him are trained to the best of their ability.

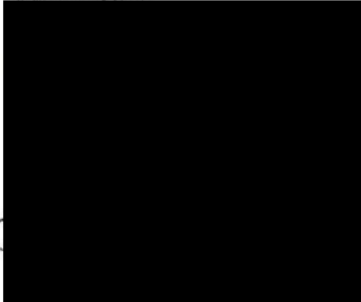
Personally, Derik has always been a steadfast friend who makes everyone he comes in contact with feel welcome. He is generous, honest and hardworking. The best example that speaks to his character was several years ago when he cared for my family when I was unable to. In 2012 I suffered a critical brain bleed and was rushed to San Francisco (UCSF) for emergency surgery. This event occurred at Easter time and I had two young boys, ages 3 and 6 months old at the time. Derik never left our side. He stayed with my family and ensured they were cared for. He even went as far as bringing his family to San Francisco and setting up an egg hunt at Golden Gate Park for my boys while I recovered in the Hospital. This is the kind of person that Derik is, always looking out for others and putting his needs behind those he cares for, including those in the community he serves.

There are many other incidents that I can recall in my time working with Derik were he went above and beyond to help others both personally and professionally in their time of need.

Derik seems to have been crushed by the charges and this incident in general. He has always viewed himself a patriot who cares for his country and takes great pride in the service he provides for it. We have not spoken about the specifics of the charges and I have not asked. I have, however, inquired how he is doing and I can tell that he is very upset about the thought of this incident affecting his ability to continue to serve the community that he cares for. He is also concerned about his family, both his actual family and his firefighter family. Derik is a leader and through that leadership, he has many people who look to him for training, support, guidance and mentorship. With all of these being placed on hold through this, I can tell that Derik has been impacted greatly. He would never knowingly act in a way that would put his ability to serve in jeopardy or put his family, or anyone else for that matter, in a harmful position. I am writing this because I believe this event has only reaffirmed how important his service is to him, as well as those who serve with him and the community that is served.

If you have any questions with regard to Derik or what kind of person he is, please feel free to contact me.

Tim Beard



Timothy D. Beard

August 13, 2019

To Whom It May Concern,

Hello my name is Chuck Lynch, and I am writing this letter on behalf of my good friend Derik Oakes.

I have known Derik for over 20 years. We began our friendship while working for a small ambulance company in the Sacramento area. I would say that we became friends very quickly. We both knew from an early age that we wanted to become firefighters. We loved the same music, sports, and shared a love for cars. We found out that growing up in Sacramento we often hung out at the same places as teens. Derik was the type of guy that would help you fix a car or tile a floor. He would take the time to just be there as a friend when you needed one.

Fast forward three years. I had been hired with Sacramento Metropolitan Fire District and was working as a firefighter, when I received a call from Derik telling me he has been hired by the department. I had written him a letter of recommendation and was excited he was hired. Shortly after his year of probation ended, we began working together at some of the busiest fire stations in the Sacramento area. Derik had earned a good name for himself as a hard working, honest guy. He never shied away from work. Our friendship grew from there. We hung out on our days off. We would often help sick or injured firefighter brothers with projects they could not do. We built a deck for one of our brothers to rest on while recovering from chemotherapy. We ripped out carpet and replaced it with wood flooring for another that had severe COPD. Derik was always the first in line with his tools to lend a hand.

I was promoted to Engineer a few years later. Derik and I were still working the same busy stations together. Along with the other guys at the station, it felt like a family. We celebrated Christmas together, birthdays, bonded over some good times to try to forget about some bad times. I can honestly say I trusted Derik with my life.

June 19, 2011, is a hard day for me to talk about. My oldest son's little league team was at my home for an end of season swim party. One of the boys wanted to be like the other players and swim in the pool even though he was not a good swimmer. He died that day on his way to the hospital. I was devastated. Derik was the first person to show up that evening. We cried for what seemed like hours. The rest of the crew showed up but my wife said Derik was the first person she called on that day because she knew he would be there for our family and me.

Fast forward another few years. I had been moved to another station. Derik was newly promoted to Captain and he was placed at my station. This was the busiest station in all of Metro Fires jurisdiction. We ran our butts off day and night, day in and day out. We were tired and cranky but Derik was always the voice of reason and kept us on track with his level headed thinking and calm demeanor in critical times. On several occasions I saw his compassion when he would hand a person \$5, or offer a cup of hot coffee to someone knocking on the station door looking for some help. One instance of Derik going above and beyond the call of duty was right around Christmas. A family was driving down Fair Oaks Blvd. headed downtown to watch the Nutcracker. They were involved in a vehicle accident and thankfully they were uninjured but their car was ruined. They were talking about their daughter with autism wanting to watch the play. They said it was the only thing she had talked about for a week. Without any hesitation Derik called our Battalion Chief and told him we were taking the family downtown to see the play. We put the family in the back of the fire engine and took them on a ride of a lifetime.

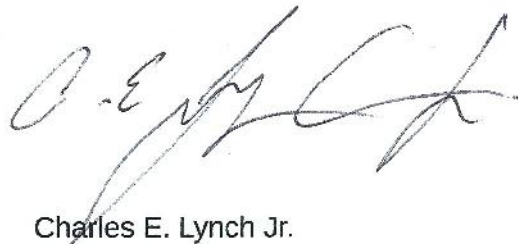
Derik and I continued working together for a year or two when I injured myself and had to have surgery on my knee. Derik visited me several times in my recovery and helped me rehab to get back to full duty. Being back to work and the call volume was a lot for me, so with a heavy heart I decided to move to a less busy station, leaving Derik behind. We still talked and got together on our days off, but family obligations made our visits fewer and farther between. I still found time to go to his Battle of the Badges boxing competitions. Watching Derik take a beating then advance to claim two victories was very inspiring.

The other day at work, someone asked me if I had heard about Derik. They said he was arrested and my heart sank. Never in a million years did I think anything like this would happen to a friend, let alone Derik. I tried calling him several times but was not able to get a hold of him. A day later, I received a text saying he was okay and he would talk later. About two weeks later, I finally received a call. It was Derik, but it didn't sound like the same old friend I knew. He was concerned about rumors tarnishing his name that took so many years to polish. He sounded a little scared and for the first time in 20 years of friendship he asked me for help. He asked me to write a letter to describe his character. I have sat on this assignment for several days now, writing in my head a summary of what kind of man, person, friend, partner, father, paramedic, brother, Captain he is and how words could never really truly describe what kind of person Derik is. This whole experience has changed the man I once knew. I believe it has changed me as well. It's not for better or worse, just "changed". I remember one time on the way to a drill- which I was probably complaining about going to- Derik looked at me and said, "When

given all of the options, the one you want to do the least is usually the right one." He meant that doing the right thing takes hard work, effort, and isn't always easy. I have tried to live by that saying, myself. It has worked for me this long.

Thank you for your time and understanding.

Sincerely,

A handwritten signature in black ink, appearing to read "C. E. Lynch Jr.", written in a cursive style.

Charles E. Lynch Jr.

Engineer, Station 32

Sacramento Metropolitan Fire District

(916)716-9717

August 11, 2019

To Whom It May Concern,

I have been employed with the Sacramento Metropolitan Fire District since April 23, 2012. I was a Firefighter/Paramedic for five years before promoting to my current rank as an Engineer/Paramedic. I live in Concord, CA and have been living in Concord for 20 years. I have known Derik Oakes since 2014 when I bid over to Station 105 on B shift, where he worked as a Captain/Paramedic. I worked with Derik for approximately two and half years until I promoted to Engineer in May 2017 where I was placed at a different station. Since then we have remained friends. He is one of the few individuals I truly trust and respect within the department.

When I heard about Derik's arrest I was in absolute shock. The news spread through the whole fire department and I was told it was possibly related to the firearms Derik owns. I do not know the type or the quantity of firearms that Derik owns, but I do know that it should not negatively define his character and personality. He would never ever use them to intentionally hurt anyone in any way, shape, or form.

I have worked at another station before working with Derik. Those firefighters who I worked with before were all great people, people who work hard and serve the community with pride. But they just felt like co-workers, work friends who I never hung out with outside of work. When I started to work with Derik and the crew, I have never felt such a family environment with any other crew. Friendships that formed and that would last a lifetime. When Derik found out I was Filipino, he mentioned his dad lived in the Philippines. Derik told me how much he loved eating Filipino food. I apologized to him saying we wouldn't be eating Filipino food at the fire station because I don't know how to cook it at all, and because of that, I too haven't eaten Filipino food in a while. One day after I got back to the station after running a call on the ambulance, Derik surprises me with him cooking Chicken Adobo and Lumpia for dinner. Two popular Filipino dishes that are among my favorites. There were no leftovers that night. Derik takes care of his crew, and whoever he works with. He makes sure all of our equipment is squared away and in a condition that is ready to serve. He always asks if we need anything, always asks how things are at home and how our families are doing. He created a family environment amongst the crew and an environment where we could trust each other with our lives. We not only spent time during work but also outside of work. When I was training to try to promote and become an Engineer, he never hesitated to train me and was always willing to go out and drill. He gave me one hundred percent support on promoting, even if it meant losing me as a firefighter within the crew.

Derik has been through a lot growing up, which is why I believe he lets us know the importance of trust, loyalty, being the most professional firefighters when serving the public, and never taking life for granted. Derik's mother passed away in 2013, a devastating loss that happened to soon for Derik and his family. He grew up in South Sacramento. At age 14 he got hit by a car and nearly lost his life. It was members of our fire district who cared for him and took him to the hospital. I remember Derik saying he was working with one of the firefighters who cared for him that day. That call came up in a conversation and as the senior firefighter was describing the scene, Derik said, "hey, that was me in that accident!" His experiences show why he empathizes with patients. Derik has a reputation of being a great Captain who is respected within the fire district. His leadership on a fire or any other emergency scene is never in question. During the time I worked with Derik he always made sure we volunteered as a crew to do the Sac 9/11 Memorial climb. It is a climb where 343 firefighters climb 110 stories in a building in downtown Sacramento to honor the 343 firefighters who lost their lives on Sept. 11, 2001. The proceeds from the climb go to the FDNY Widow and Orphans Fund. He made sure we volunteered

for Fill The Boot for Burns, a fundraiser event that benefits victims from fires. Donations help improve burn treatment for victims. To Derik, being a firefighter is 24/7.

Derik would always make sure the crew would treat each of our patients with full respect, no matter what their background was. He would always have us train on our firefighting craft to make sure we would be fully prepared to run on any emergency call. We responded to a diabetic call where the person's blood sugar was low and he was altered. After we treated the patient with the necessary medication, the patient became fully alert and orientated and his blood sugar returned to normal limits. Instead of leaving the scene after the patient returned to his normal self, he made sure the crew made him a sandwich so he could eat it right away. Derik knew the medication we gave the patient could possibly not last long and he could possibly return to being altered. So he made sure we remained on scene and made sure the patient ate the sandwich and was fully ok before we would leave. Another example is when responded to a call on an elderly gentleman who fell in his garage and hit his head on the floor. A moderate amount of blood was on the floor of his garage. After we treated the patient no scene and after the ambulance transported him to the hospital, he made sure we stayed on scene and cleaned up the blood from the floor so that the patient or the patient's family would not have to clean it up. To Derik, caring for the public doesn't just stop with the patient. It involves everything with and around the patient. Even working in a different station and rank with different people, I still utilize the morals and ethics Derik has showed by example. There is no question that he made me a better firefighter and better caregiver.

Derik's wife, his son who is 8 years old and stepson who is 16, would be devastated if he was to be taken away. He cares for his family so much and has been a positive role model to his son and stepson, who he has helped raise since 2006. Not being able to raise his son and stepson would devastate Derik. Derik being taken away would not only be a major loss for his family, but it would also be a loss to his friends, the fire department, and the community we serve. We would be losing a person who is a true professional when it comes to taking care of the public, taking care of the fire department, and taking care of the people he works with. Derik is not a violent person. He is not an angry person. He would never do anything to hurt anyone. He is a person who preaches the importance of a family environment, the importance of trust, and loyalty. I would trust Derik with my life and I would trust him with my family's life. I hope after reading this letter it shows you Derik's true personality and character, and that whatever charges are against him does not define who he truly is. Thank you for taking the time to read my letter.

Respectfully,



Jandel David
Engineer /Paramedic
Station 61, B-Shift
(925) 360-2497
4410 Sweetbriar Ct.
Concord, CA 94521

To Whom It May Concern:

My name is Mark Rogers, I've been a Firefighter/Paramedic for Metro Fire for a little over seven years and have lived in Midtown Sacramento for approximately the same amount of time. On May 15th 2018 I was promoted to the rank of Engineer/Paramedic and placed at station 105 where I first met Derik Oaks. We have worked together on the same shift since that time becoming friends in the process.

From day one working together Derik has placed a heavy emphasis on several items. Always doing the right thing, ensuring patients are treated and cared for properly has always been a priority. Making sure everyone on the crew is well taken care of and properly trained, asking daily if any of us have any needs. Ensuring all or our physical fitness was up to par and encouraging group workouts. He always seems genuinely interested in our lives off duty.

Anytime I have ever mentioned having a project Derik has always been the first person to offer help, even without me having to ask. Quite often Derik has initiated projects around the station, like making a new tabletop for the kitchen dining area, decorations to place around the firehouse to make it unique and our own. He has consistently made efforts for crew bonding by initiating events like movies, camping, fishing and even crew dinners at local restaurants. He has always done what he has said he was going to do and I trust him with my life.

I'm shocked and confused about what has happened, never having seen or heard anything to indicate any validity to it. My worries come second only to Derik himself. We have spoken briefly after the fact about how he was doing and didn't take long to see his anguish about the whole thing but still was able to ask how I have been.

I have never known Derik to be violent or aggressive in anyway, on the contrary he has always tried to instill in his crew to maintain a level head and make clear, calm decisions. I support Derik 100% and am confident truth will prevail and all charges will be dropped and am looking forward to him returning to work. Thank You.

Respectfully,



Mark Rogers

P.O. Box 163137

Sacramento, CA 95816

209-256-2394

Travis DeCampos
6557 Powder Ridge Dr
Rocklin, Ca. 95765
(916) 202-8359
travisdecampos@yahoo.com

August 8th 2019

To whom it may concern,

I am writing this letter on behalf of my longtime friend Derik Oakes. My name is Travis DeCampos and I have known Derik for approximately 19 years. I am currently an engineer with the Sacramento City Fire Department. I have worked with the Sacramento City Fire Department for over 20 years and have been active with local EMS and fire since 1994. My family moved to the Sacramento area when I was two years old and I have had the pleasure of living and raising my family in the Sacramento Valley. I am the 51 year old father of four children, two boys and two girls. I have spent my adult life striving to be the best father possible for my children and the best employee for the Sacramento City Fire Department. My family is my life and I would never expose them to anyone that I didn't hold in the highest regard. As a father I often give my children advice and try to point them in the right direction. In my opinion Derik Oakes is the kind of person I point to when I think about the best qualities in a man.

I first met Derik at First Responder Ambulance in 2000. I worked as a paramedic while employed at First Responder. As I got to know Derik I was very impressed with him as a hard-working and responsible young man. I had already completed Sacramento City Fire Department Academy when I met Derik. I saw in Derik all the qualities that make a great firefighter. My Academy motto was; Honor, Respect, Courage, Integrity and Devotion to Duty. In my opinion Derik was the embodiment of my Academy motto. Derik worked tirelessly and always strived for perfection. He was known as a kind person who was gregarious and a friend to everyone. At first responder we spent the majority of our time helping senior citizens. I clearly remember Derik treating every patient with genuine compassion and caring. Derik always stood out among the coworkers as a truly kind person who really cared to help the people that we provided care for. Many young people lose their patience or become frustrated on difficult calls. Derik always remained professional and treated everyone as if they were his parents or grandparents. During my employment at First Responder Ambulance Derik and I started a friendship that still remains strong today.

A few short years after meeting Derik he was hired by the Sacramento Metropolitan Fire District (Sac Metro). It came as no surprise to anyone who knew Derik that he would be hired as a

firefighter. Derik was a person with a very strong work ethic and dedication to his goals. For Derik it wasn't a matter if he was going to become a firefighter but only how long it was going to take. I personally attended Derik's graduation and saw firsthand the results of his hard work and integrity. During the ceremony it is customary for the number one recruit in the Academy class to receive an award. What I saw at Derik's graduation was something I have never seen at any graduation I have attended. Derik not only received the award as number one recruit he completed the long grueling and intensive Academy without receiving one demerit or citation. Anyone who has attended a fire academy can tell you that achievement seems almost impossible. Because of Derik's undying dedication to his career, he was able to achieve the impossible. There is no way he could have accomplished such a feat without the strongest and best character a person could have. During the fire Academy professional drill instructors are trained to spot weaknesses in a man's physical mental or ethical character. After many months of nonstop scrutiny Derik's character was found to be impeccable.

Derek's has many great accomplishments and I could tell stories all day about the things I've seen him achieve. I'm sure other letters will go into those details. I would rather spend the remainder of this letter describing the character of person I have gotten to know over many years. Although Derik started life with some hardships and adversity, he has only allowed those things to make him a stronger and better person. Derik's character has always been to take the negative things that happened to him in life and turn them in positive building experiences. When Derik was hit by a car as a small child he was severely injured and almost died. Derik took the negative experience of his childhood and pursued the goal of becoming a firefighter. Derik chose the goal of becoming a firefighter so he could help others just as he was helped. In a stroke of fate Derik actually worked during his probation with the firefighter who saved his life. What a fitting way to pass the torch of public service from one generation to another. From a young age Derik made the decision that he was going to pursue a life of helping others when they are in need, that is who he is. This is what has molded the character of the man I know today. He is a person who has dedicated his life to serving the public and provide help to those in need. I have never seen Derik act with aggression or anger towards anyone at anytime. He is the kind of person that never says a bad thing about anyone and seems to always find the good qualities in everyone he meets. I have never heard or seen Derek break even the smallest of rules and I can't envision him purposely break any state or federal laws. Derik has a wonderful life, a fantastic job and a wonderful family. I can't imagine that Derik would ever risk any of that for any reason. It troubles me beyond words to hear that Derik is accused of doing something that would result in him being in trouble for any reason. As a member of the fire department I considered law-enforcement our brothers and sisters and I know Derik does also.

The Derik Oakes I know would never do anything to disrespect the fire department, law-enforcement or his family. I can only imagine at this point that there must be some misunderstanding or error that has occurred to cause me to write this letter. If I can be any assistance please feel free to contact me at anytime. Thank you for your time and I hope you read all the letters Derik will receive to confirm his character. Being the great person he is I know it will take a long time to get through the reading.

Respectfully,


Travis J. DeCampos

To Whom It May Concern,

My name is Jacob Bartlett, I am a Firefighter/Paramedic with the Sacramento Metropolitan Fire District and have been with the District for 5 years. I am writing this letter to portray how Derik Oakes is viewed by his peers, subordinates and co-workers, also to paint the picture of him as a leader. I am aware that Derik is going through a hard time and I would like to shed light on his personality, demeanor and professionalism that I have experienced personally over the years.

Derik Oakes was my Captain at work for the first 6 months of probation and for a year after that. We have run numerous medical aides together, ranging from traumas to medical calls, multiple residential and commercial structure fires also, the list goes on and on. Throughout these calls Derik has been nothing less than a level headed, calm leader. Derik is always watching out for our safety, leading us to success but also letting us do our job and having 100 percent faith in us, because he cares about who he leads more than he cares about himself. The one thing that sticks out about Derik is that he works harder than any boss I ever had, he leads by example with a strong work ethic because he cannot make his crew/subordinates do something if he can't do it himself. I would not be the firefighter I am today without him. I trust him with my life.

Beyond being a leader and mentor to myself, Derik is also my friend. I have faith Derik will always go out of his way to help me with anything that I may need and support me in any aspect that I may require. He has offered to go out of his way to help me install floors in my house and will always check up on his friends to see how life is going for them. From my experiences with Derik he is a family oriented person who cares about others before himself.

In conclusion, I want to stress that I am not commenting on the accusations Derik is facing. I just wanted to pass on my personal experiences with Derik, and show whoever may read this that Derik is a true leader, compassionate and selfless individual that is held with the upmost respect by his peers. Whatever Derik is going through right now is effecting him greatly, but he still shows selflessness and compassion as a friend, even in times of difficulty. That's who Derik is and that speaks volume to me about his character.

Thank you for your time.

Sincerely,

Jacob Bartlett

A handwritten signature in black ink, appearing to read 'Jacob Bartlett', with a long horizontal line extending to the right.

3121 60th St Sacramento, CA 95820

916-806-7785



To Whom it May Concern,

My name is Greg Lynch and I am a Firefighter for Sacramento Metro Fire Department. I am a resident of Folsom, CA where I live with my lovely wife Marissa and our two daughters Paige and Hannah. We moved to Folsom, CA in 2016 when I started as a probationary firefighter with Metro Fire and more importantly the year I met Captain Derik Oakes.

I started my probationary year at Station 21. The best way to describe probation at 21 is to pretend you are a sheep in a Lion's den. Probation is meant to be tough and I endured it, but I didn't enjoy my life at that time. A couple months went by and I received word from my Battalion Chief that I was moving to Station 105 due to getting displaced out of my current station due to a new probationary firefighter. I was nervous to leave I think everyone is a Lion.

I arrived at Station 105 and this is where I met Captain Oakes. I greet Captain Oakes as he arrives and shake his hand with a smile. He returns the smile with a nice to meet you and directs me to check out my safety equipment prior to our crew meeting. During the meeting I introduce myself and tell them about my life thus far and my family. Captain Oakes asked some follow up questions and laid out his expectations of me. He stated that we will be training for our job and that we take care of each other. He stated he wouldn't ask me to do anything that he wasn't willing to do himself. I was out of the lion den and part of the department I signed up for.

Captain Oakes has great leadership and looked after his Firefighter's and Engineer. On a daily basis Captain Oakes would outline our day and lead us on drills and crew workouts. He would train us hard, but for purpose. Every drill had a direct purpose on what we could learn for our personal safety or the safety of others. He followed up every drill with himself doing the same thing he asked us to do. He always told us to follow district policy and act professionally in public.

Every year on September 11th 343 Firefighters meet in Downtown Sacramento to climb 110 stories with the names of the 343 Firefighters our nation lost on September 11th, 2001. Captain Oakes would take this above and beyond and have our crew train hard months ahead of time to honor these firefighters correctly. He values his devotion to the public and honors those that paid the ultimate sacrifice to help those of the public.



Over the years I have switched stations due to seniority, but have kept in contact with Captain Oakes. I call him Captain out of respect even though he has since asked me to call him Derik. He has always shown me kindness, honesty, compassion, leadership and respect. These are the traits that you would want leading a fire station in your community or those of your neighbor.

He invited me to run the Tough Mudder in Elverta, CA with him and his current crew. During this run it is easy to be competitive and just run to be first. While standing in line we meet a man from Japan who signed up to run. He is alone and asked if he could run with us. Captain Oakes welcomes him to our group. What we didn't know at the time was this man didn't sign up for the full Tough Mudder, he only signed up for half! This man was not ready for this challenge, but after every obstacle Captain Oakes was either waiting for him or had someone wait for him so he knew we wouldn't leave him. This man was a complete stranger and welcomed him to our crew and made sure that he finished the fun run. He was so happy to finish. This compassion for others is something truly remarkable of Captain Oakes. His character shines on and off duty.

I know that this letter only shows you a brief glimpse of Derik Oakes and I don't want to loose your focus in words. Know that Captain Derik Oakes at work and Derik Oakes in the community is a good person. He is a person dedicated to family and community. He does value security of his family, which is a trait that we all possess. It will be tough for you to see the person Derik Oakes is by reading a letter from his peers. I will leave you with this. Derik Oakes is the man you want responding to you or your family on your most vulnerable moments. He is a person of great character that is compassionate, respectful, kind and competent.

Respectfully,

Greg Lynch

183 Bittercreek Dr.

Folsom, CA 95630

(831) 235-6902



To Whom it May Concern,

My name is Nathan Walker and I have currently worked for Sacramento Metropolitan Fire District since 2014. It is in this time that I have had the honor of coming to know Derik Oakes, for whom I am writing this letter. Derik has been the captain who I have worked with for a majority of these past years. In this time I have come to learn and experience extraordinary things. Derik is what comes to mind when I encounter most hard decisions because he has always had a level headed, calm, practical, and caring approach. He has always put others before himself and is in my opinion the gold standard for how any firefighter (or person for that matter) should be. He has gone out of his way for so many people. I have seen him (out of his own doing) buy and bring much needed amenities to victims of fires, give personal shoes to the homeless who had none, and share words of encouragement to people who have lost all hope. He has always been there for every member of the crew, putting others well being ahead of his own many times. He is my mentor, my brother and my friend. He is truly somebody all should strive to be like.

We all have our beliefs, our morals, and a code. Obviously there are many subcategories in the making of a man or woman of great worth. In a world where there is a plethora of pettiness, malignant characters, and a dearth of steadfastness, this man excels and leads by example. He has taught me as well as countless others that the negative actions or inactions of others do not control the actions of ourselves when it comes down to doing what is right. Derik has always taught through personal example that no matter what, doing the right thing is and always will be the correct path, regardless of how hard it may be. Sometimes the hardest choice to make is the right choice. It is through this teaching and leading that Derik Oakes has helped me to succeed in my career and also avenues of my personal life. I realize that nobody is perfect, and that Mr. Oakes has happened into the court of the laws which the state says he has broken. What he has not broken are the moral standards for what it means to be a well respected, upstanding, and honorable American citizen/ public servant. What has been warranted is the love for his family. He is a person like many others who intensely loves his family, country, job, and the constitution.

There are countless people that Derik Oakes has had a positive impact on through all his years of service at Metro Fire and will continue to do so should he be granted that grace. This grace is in my understanding well deserved. We all need grace at some point in our lives. This is an in example of when Mr. Oakes needs it, if only to be allowed to continue his work and support his family. Mr. Oakes is a man who loves his family with the fervor of all fathers and husbands, and has the zeal to go to the greatest lengths for that love. He has been an exemplary citizen, person, friend, father, and servant. He has given so much, helped so many, and should be permitted to continue to do so. I trust this man with my life, and I know many others do as well. He has done nothing but earn the love, respect, and admiration of many. I hope that the full weight and sincerity of these words are felt, and I hope with the greatest of hopes that this man and his family's livelihood are able to persevere. Thank you.

Sincerely

Nathan Walker

A handwritten signature in black ink, appearing to read "Nathan Walker", written over a white background.

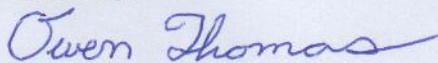
916-833-4120

To Whom It May Concern:

My name is Owen Thomas. I am a firefighter with Sacramento Metropolitan Fire District and I am a good friend of Derik Oakes. I first met Derik in 2009 when he was a mentor to me during my paramedic training. He took me under his wing and showed great pride in teaching me how to be a good paramedic and help the people of the community. That is when our friendship began and instantly I knew he was the kind of guy that would give the shirt of his back to help you. The kind of guy that looks out for others, and does everything he can to help you succeed. Once I got hired on as a firefighter with Sac Metro Fire, I got placed at the same station as Derik, and Derik was my captain. He once again went through great lengths to welcome me, train me, and show me the skills necessary to protect and serve the public. I would say that Derik and I developed a true friendship, and someone I am extremely proud to call my brother. Derik truly possesses genuine qualities such as honesty and integrity. He is always willing to stand up for what is right, and makes all those around him better. Derik has received awards for his service, in particular, during an incident involving a helicopter crash and his actions helped to save another man's life. Derik has my admiration and someone I will always personally vouch for.

I am aware of the charges against Derik and am quite frankly taken back by them. I do not believe Derik to have done anything knowingly or maliciously. I know Derik to be an excellent father, friend, and a great member of society. I hope I have painted a good enough picture to you of Derik's character, as sometimes even words cannot adequately describe how great someone is and how much he means to all those around him. If there is anything you would like to further discuss, please feel free to reach out to me.

Sincerely,



Owen Thomas

(916) 224-8595

Othomas34@yahoo.com

Thomas.owen@metrofire.ca.gov

July 28th, 2019

To Whom It May Concern:

My name is Derek Sullivan and I have been living in El Dorado County since December of 2015. I currently work for Sacramento Metropolitan Fire District as a Firefighter/Paramedic. I am writing this letter in regards to my experiences and knowledge of Derik Oakes as a Co-worker, Friend, Mentor, and someone I would consider a family member.

I had the opportunity to meet and work with Derik Oakes beginning the June of 2015. I was a recent graduate of Sacramento Metropolitan Fire District firefighter academy when I first met him. I was stationed at Fire Station 105 and I worked full time with Derik for 4 years. We lived and worked at the fire station a minimum of 10 days a month. During this time I came to know Derik personally as well as professionally.

When I was first introduced to Fire Station 105 on B shift as a Probationary Firefighter/Paramedic, Derik took me under his wing from day one. He was my Captain and his leadership and devotion to duty, community, and his crew was very apparent. When I asked other co-workers about Derik's reputation, I almost always got the same reply, "He's dialed.", which in our line of work means you do the job well and it's a sign of respect. Derik led 4 other crewmembers and all crewmembers had the upmost respect for him. Derik taught me how to make sound decisions under stressful and chaotic situations, in an effective and efficient manor. He instilled humility, responsibility, and accountability to everyone around him. His integrity and trustworthiness are some of Derik's strongest characteristics. Derik kept his co-workers safe and taken care of on-duty as well as off-duty. After working 1 year as a Probationary firefighter I succeeded in passing and chose to continue to work with Derik as my Captain. As firefighters and paramedics we deal with the public on a daily basis. I have personally witnessed Derik deescalate situations with extremely violent patients and people while at work just by showing empathy and compassion. Situations that could have become a physical altercation were controlled by his ability to communicate and empathize with people or patients. On the other side I have also seen Derik care for the elderly with nothing, but compassion and respect. Many of the tactics I have witnessed from Derik, I use during my own interactions with the public or on medical emergencies. These lessons also have helped me while off-duty. As our relationship grew at work, Derik became like a family member of mine. This relationship continues to this day.

Derik is like a brother to me. He has helped me through some of my most difficult personal hardships. He has always been the first person I call on for advice regarding family, relationships, parenting, and conflict resolution. Derik always makes himself available to help. Derik has shown up at my house at all hours of the night in the event I needed to talk to someone. Derik isn't the type of person that says "I'll be there, if you need me", he will show up no questions asked. If the occasion presented itself, I would trust Derik to care for my two-year old daughter without hesitation. The values Derik instilled in myself and others will stay with me

a lifetime. One lesson in particular Derik taught me is "Sometimes the right thing to do, is the most difficult". Throughout life and my career I have found this to be true. Derik does not blame others and will always take accountability and responsibility for his actions. When it comes to following through I know I can always count on Derik. His word is his bond.

When I received a phone call from Derik regarding him being charged, I was caught off guard. Derik was calling to keep me informed of what was happening in the event I heard something while I was at work. Derik didn't go into detail, but he was very concerned about the effect it had on his family. I could tell that it was affecting him personally, but when he began talking about how this will affect his family I knew he was more concerned with that than himself. This is something I know about Derik, he doesn't want to be the reason for others to be affected. Just like in his career, he will always put others well being before his own. He is a selfless individual and I have trusted him with my life at times.

I hope whomever is reading this letter sees and can feel how good of a person Derik Oakes is. Derik is by far one of the most respected and respectable individuals I know and have met in the 32 years I have been alive. I am honored to know Derik personally and professionally. I know I am not the only one to have similar if not the same appreciation and respect for Derik. Thank you for your time.

Sincerely,
Derek Sullivan

A handwritten signature in blue ink, appearing to read 'Derek Sullivan', with a stylized, overlapping flourish at the end.

2340 Big Canyon Creek Road, Placerville, CA, 95667
Phone: (916) 517-9413

August 4, 2019

To Whom It May Concern,

My name is Tyler Block. Derik Oakes is a close friend of mine and mentor to me. I have worked for the Sacramento Metropolitan Fire District since October 2012. I was born and raised in Sacramento and have lived here most of my life. I currently reside Sacramento where I live with my Wife and our twin two-year-old boys.

I met Derik at station 105 when I was about twelve months on the job. I was a very "green" firefighter and didn't know much about what I was doing. Derik had been a Captain for a handful of years and seemed to have developed a very common sense approach to the job through his years of experience. More important than his experience level was that he was immediately a mentor to all of us at station 105 on B shift. At the time, and continuing today, we were in a hiring bubble and there were new members graduating from the academy every four to six months, which meant many new firefighters with a lack of experience. Derik has always shown a thorough interest in mentoring the next generation and was committed to our success as new firefighters. He always acted selflessly to deliver the training to the younger generation that greatly needed it. Moreover, he showed a genuine interest in our education and development as firefighter/paramedics. This was not just a duty that the station Captain is required to carry-out. Derik has always gone above and beyond what his position calls for in order to support the needs of his crew, and ultimately, the needs of the public that we serve. This commitment undoubtedly continues to this day, as he currently is in charge of another new recruit at his station 105.

As I prepare for my own promotion in the organization, I will certainly call upon the mentorship that Derik has provided me over the years both on and off the job. Specifically, Derik is the consummate public servant. Service delivery to the public is always of the utmost importance. Sacramento County is a very busy 911 system. Our ambulances are stressed to the maximum, and we can occasionally experience a high level of burnout from the paramedics that staff those ambulances. Unfortunately, this can manifest itself as impatience and frustration towards members of the public. A great Captain can help act as the pressure relief valve in these situations, so that we can maintain a high level of patient care with the public. Derik has always been that person. He has set the example for his crews on how to act towards patients. We always had a rule that if a crewmember was having a bad moment, then another crewmember would step in for them and allow them to exit the situation in order to avoid conflict with members of the public. By putting this system in place, Derik not only protected his crews from having a negative interaction with the public, but also ensured the highest level of customer service delivery to the citizens. This valuable leadership is something I will assuredly take forward as I prepare to take on a leadership position myself.

Derik's leadership manifested itself in many other ways as well. Although the fire service is a unique job where members have the opportunity to bond and generally become a "fire family", it is still a job and policies and procedures need to be followed. As one can imagine, this can place the Captain in the unique circumstance of having to "be the adult", having to make sure his closest fire service friends and family are following the rules. This can make things awkward and challenging for the Captain. However, Derik has always possessed the leadership skills to be able to balance that duty. He is the type of person that has respect for the policies of both the Sacramento Metropolitan Fire District and the Sacramento County Emergency Medical Services Authority (the body that governs paramedic licenses). He instills in his crew members the importance of having those policies in place, the reasons one should follow them, and the consequences to both firefighters individually and to the members of the public if they do not act in accordance with them. He has never been afraid to stand up and do the right thing, because he has always strived to do right by his crew and by the public we serve.

Derik and I have also maintained a friendship outside of work. Whether it's going to department functions such as crab feeds, or having his whole crew including previous members over for a holiday

August 4, 2019

dinner or pool party at his home, he has always developed those personal relationships outside of work. I believe this is because Derik is a people-person, and a loyal friend who cherishes those people who are close to him. He frequently tries to organize his group of friends together for camping trips, baseball games, or Tough Mudder challenges in Tahoe. Our wives have spent time together over the years, as these events have become family affairs. Derik has also mentored me about raising children, as he started the process before I did. We have, on numerous occasions, had conversations about how we want to raise our children and about life's struggles in general. Derik is a great Dad to his kids and I know he takes a very active role in their lives, which is something that I have taken note of, as it informs me on how I want to raise my own kids. Derik and his wife Brenna have a young son, Spencer, and an older son, Jay, who is technically Derik's step-son. But I know that Derik thinks of Jay as his own son and treats him as such. Derik is a man of integrity and love, which is why he has accepted Jay as his own and taken responsibility for the young man Jay is becoming. And taking responsibility doesn't mean always being the good guy. As Jay has gone through the challenges that we all face when we are adolescents navigating through high school, Derik has been a mentor to his son, instilling in him the values that anyone would want their own children to have. Derik has been a role model to his children and has always shown them what it means to be a good citizen. He is a heavily involved parent, which is reflective in the great people that his children have grown to become.

As I understand, Derik has been charged with a crime. I was extremely surprised to hear this news. It was both shocking and heartbreaking. I have always known Derik to be a person that will do the right thing in the face of difficult situations, because I have seen him do so on many occasions at Metro Fire. I have never known Derik to be a violent or aggressive person and I have always considered him trustworthy and honest. He is a man of his word and he is someone that the court and public can put their trust in moving forward. These are the qualities that I know he strives to exhibit for his two sons in order to set the example of what it means to be a good person.

Lastly, and most importantly, Derik's family is his highest priority in life. I can imagine he understands that this situation is serious and probably puts his relationship with his family in jeopardy, not to mention the financial implications that this could have on his wife and children. In continuing with his commitment as a great father and husband, granted an opportunity I'm certain that he would use this experience as not only a valuable learning experience for himself, but also as an extremely important teaching moment for his children. I believe moving forward Derik will stand up and continue to be the moral, ethical, *do-the-right-thing* leader that he has been for his family, friends and coworkers.

Thank you for taking the time to read about my friend Derik Oakes, and if there is any more information that I can provide or any way I can be of assistance, please do not hesitate to contact me.

Sincerely,

Tyler Block

A handwritten signature in black ink that reads "Tyler Block". The signature is written in a cursive style with a long horizontal line extending from the end of the name.

TylerBlock@gmail.com

916-813-4489

3670 Las Pasas Way

Sacramento, CA 95864



Soul Legacy Therapy
Kami J. Prehoda, MA LMFT
2617 K Street Suite 200
Sacramento, CA 95816

To whom it may concern:

Hello, my name is Kami J. Prehoda. I am writing this letter in response to allegations concerning my long-time friend, Derik Oakes. I have known Derik for almost twenty years now. He is one of my oldest and longest continuing friendships. I wish to discuss Derik's character and his life as it may pertain to the charges he may be facing.

Let me first start by telling you a little about myself and my background. I live in Eldorado Hills CA, and have lived in the Sacramento Area my entire life. I am a Licensed Marriage and Family Therapist. I have been in the treatment and therapy industry for 14 years. On top of owning my own practice, I provide counseling, support and training to multiple Law Enforcement agencies throughout the country. I am a contact for employee outreach programs for officers and their families with multiple agencies. Previously I provided psychiatric evaluations of individuals brought in on 5150 holds to various mental health facilities throughout the region. Personally, I am a busy mother of two daughters and my current husband has worked in law enforcement over 25 years as a Deputy Sherriff and my previous spouse is a Firefighter/Paramedic having worked over 19 years with his current department. As you can imagine, I'm quite familiar with the law enforcement, fire community and the criminal justice system.

I met Derik years ago through mutual friends in the first responder community. We became friends right away. I found Derik to be kind and very generous in his thoughts for others. He was different than a lot of men his age at that time as we were in our early 20's. He did not have the large ego that surrounded most young men in the Fire and Law Enforcement communities. Knowing his family history and the challenges he faced in life, I found it amazing that he became the person he was. Derik was and always has been dedicated to doing the right thing. He is honest to a fault, and I know that I can always

count on him to give me an honest and accurate assessment of a situation. I have several times in the past contacted Derik for advice both personally and professionally.

I have never known Derik to be violent or hurtful towards others in any way. Derik takes pride in helping people. He does not just help people and stop there. Derik actively tries to make peoples lives better. He believes that helping people is only the first step. That giving advice on corrective action and assistance is the way to really solve a problem. As I mentioned, I am familiar with the psychological issues created by being a first responder can create. These issues happen often in both Law Enforcement and Fire Departments. The only issue that I can recall that caused Derik distress was talking with me about was an incident in 2005 when the Sacramento Sherriff's Star Six helicopter crashed. Derik responded to that incident and removed the only survivor from that crash. He transported that deputy to Mercy San Juan Hospital, where he survived and recovered. Derik was glad he was there to help but felt awful having to leave the other two Deputies in the helicopter so that he could take care of the survivor. I remember that his concern was not feeling ready to deal with such a large incident as this was early on in his career, sadness for the loss of life and compassion for the families who lost their officers that day – including the larger first responder community whom sees this tragedy as the loss of a “brother.” Throughout the years there have been many more critical events, loss of life and tragic incidents he has been a part of. He has continued to support the community, his family and friends with grace, dignity and respect for all involved.

I bring up that story to give background to how Derik thinks. He wants to be ready for incidents and feel prepared to handle any situation. He also tries to apply perspective to a situation to allow himself and others remain calm in the most dire conditions. As a psychotherapist, I believe he uses the idea of practice and pre planning as a means to mitigate the stress of his career, assist those around him in times of need and always be of service should he be called to. He applies that theory to all he does and encourages others to do the same. He has helped scores of people work through very dramatic/stressful situations by lending perspective and calm. The notion that he is in any way a danger or harmful to others is quite frankly ridiculous in my opinion. Derik is extremely safety conscious and meticulous person. The thought of hurting others is not something he would consider nor have I ever personally seen him elude to anything of that nature. He has quite a good reputation in the Emergency Management community. He can be counted on for good decisions and matter of fact leadership. Hence why he has been a resource for many organizations and individuals alike.

I know his recent interaction with law enforcement has taken its toll. I cannot imagine the stress he and his family are under including his young children. This saddens me as a psychotherapist the possible long reaching effects of this stress on him, his wife and moreover his children. Derik had always been a proud member of the community. I feel like this situation had left him with few answers as to how he could be treated like he is. I have never seen him be afraid or concerned about much of anything that confronts him. This situation however has him scared. Scared for his family and scared for his friends. Even now, with the precarious situation he is in, he is still concerned about how he can help prevent others from ending up in the same situation as this is so very terrifying for all

involved. Derik is a good person. Given my extensive knowledge of the criminal justice system, I'm aware there is quite a bit of discretion one has when deciding the outcome of a case. If anyone ever deserved a bit of discretion, grace and prudence, its Derik. Talk to him. Take a minute out of your day to see him for who he is in his entirety. With all due respect, I believe once an individual is able to see all aspects of this case including his character, intent and lack of motive/s it will be clear that he is of no harm to anyone rather a person who has dedicated his life to helping others.

If you have any questions or wish to discuss my thoughts, both personal and professional, about Derik, please do not hesitate to contact me. I am available by phone or email at your convenience. Thank you for your time.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Kami J. Prehoda". The signature is fluid and somewhat stylized, with the first letters of the first and last names being capitalized and prominent.

Kami J. Prehoda MA, LMFT
Licensed Psychotherapist

Kimber B. Goddard
3575 Burrows Avenue
West Sacramento, CA 95691

August 8, 2019

CHARACTER REFERENCE LETTER

I am Derik's uncle and have known him all his life. I know how he was raised, I have a good sense of what his values and perceptions are, and I have been in close contact with him over the past many years. We have gone pheasant hunting and target shooting together. I may have been one of the first persons to show Derik how a gun works as he helped me take a pistol apart and put it back together when he was around 10 years old. He has always enjoyed learning about guns. I am familiar with his charges and think they seem misplaced against a person who is no kind of extremist or a social threat.

Derik is the kind of person that would help anyone in real need. He is a Fire Captain of course, and risks his life regularly to help others. He is assertive but not aggressive, intimidating or violent in any way. He learned early that he had to fight for success. He made a success of himself almost by himself. He is very bright, independent and perceptive. A more trustworthy person who takes personal responsibility for his actions would be hard to find. I do not think Derik has ever lied to me about anything. I went on a fire ride-along with him once, met his fire crew and watched him work. They very much respect him and his honesty, skill and straightforwardness. If I had a fire, Derik is the one I would want in charge.

Guns are a hobby to both Derik and Brenna, like archery or model railroading might be to others. He understands guns, is very careful with them and likes to discuss how they work, much like any hobby enthusiast. Interestingly, as much as he likes talking about how guns function, I have never heard him say a word on the subject of what they can do to people. He does not discuss guns in terms of their impact for violence against others, rather, more in terms of a good tool being better than a poorly functioning one. Derik's focus is functionality, self defense and protection. I feel Derik is a zero risk person to have and use guns.

I have observed the effect this arrest has had on Derik and hate seeing it. Derik is patriotic, not to be confused with right wing extremist, and feels strongly about 2nd Amendment and other rights. He is devastated, although he remains calm, that something he loves dealing with has turned around to bite him so severely. This kind of a charge is financially, emotionally and reputationally devastating to a person of his good character and position of leadership. There are doubtless a lot of gun nuts that need finding and prosecuting. This good man is not one of them.


Sincerely, Kimber B. Goddard

08/15/2019

Shanna Naylor, MSN, RN, FNP-C
2261 Douglas Blvd
Roseville, California 95661
(916) 412-0855

RE: Derik V. Oakes

To Whom it May Concern,

My name is Shanna Naylor, I currently resided in Sacramento County and have been part of this community since 1984. I graduated from Florin High School in 1998, completed my Undergraduate and Graduate Degrees in Biological Sciences and Master of Science in Nursing at California State University, Sacramento, (now known as Sacramento State) and Samuel Merritt University, respectively. I am employed by the University of California, Davis Medical Group (UCD Health) where I work as a Family Nurse Practitioner specializing in Internal and Family Medicine. I am writing this letter to give support to Derik Oakes. I have known Derik for nearly 25 years and during this time I have come know him for being a responsible person who dedicated to his family and community.

During the last two in-a half decades I have come to know Derik as being someone who puts family members, friends and complete strangers before his own personal wellbeing. As a young adult at the age of 19 he cared for his bother and mother while concurrently attending school and completing EMT/Paramedic training. Once hired as a firefighter/paramedic with Sacramento Metropolitan Fire Department, he encouraged and funded his younger brother, Jordan to attend Paramedic school. While many individuals drifted around to figure out life in their 20s, Derik has always been a focused, responsible person.

In the last 10 years I had gotten to know Derik really well. We have had hours of conversations focusing on nonspecific subjects like pop culture to deeper meaningful conversations focusing on morality, government and a person's obligation to be a good citizen within our community and to lead by example. I know that he is a good person. He is patient and he is willing to help anyone when he can. His career as a Fire Captain with SMFD has exposed him to situations, which many within our community would never witness. I believe bearing witness to tragedy only supports Derik's dedication towards public safety within the Sacramento and El Dorado communities.

I was extremely shocked when I had found out the circumstances which had led to Derik's arrest in July 2019. I do not believe that he would consciously do anything which would be illegal or endanger the public, doing so would be going against grain of who he is as an individual.

I am writing this letter to give the prosecuting attorney an idea who Derik is. He is a person who has invested his life into this community. He is honest, trustworthy and a person with the upmost integrity and a value to our community.

Sincerely,
Shanna Naylor, MSN, RN, FNP-C



UCDMG-Roseville
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Roseville, CA 95661
(916) 783-7109 P
(916) 773-4283 F

EXHIBIT

B

DAVID P. MASTAGNI
JOHN R. HOLSTEDT
CRAIG E. JOHNSON
BRIAN A. DIXON
STEVEN W. WELTY
STUART C. WOO
DAVID E. MASTAGNI
RICHARD J. ROMANSKI
PHILLIP R.A. MASTAGNI
KATHLEEN N. MASTAGNI STORM
SEAN D. HOWELL
WILLIAM P. CREGER
SEAN D. CURRIN
DANIEL L. OSIER
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JOHN H. BAKHIT
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PETER D. LEWICKI
BRETT D. BEYLER
VANESSA A. MUNOS
KIMBERLY A. VELAZQUEZ
JOSEPH A. HOFFMANN
WILLIAM M. CLARK
MICHAEL P. R. REED
JIZELL K. LOPEZ
CHERYL CARLSON
ANISH K. SINGH
JOEL M. WEINSTEIN
MARILIA P. GINSBERG
ADAM HAHN
TAYLOR DAVIES-MAHAFFEY
SPENCER BOUVE

All Correspondence to Sacramento Office
www.mastagni.com

September 14, 2020

SENT VIA ELECTRONIC MAIL ONLY

Adam J. Richards
2530 J Street, Ste. 320
Sacramento, California 95816
Email: adam@ajrlaw.net

**Re: Derik Oakes
Collateral Consequences of Felony Conviction**

Dear Mr. Richards:

Our mutual client, Derik Oakes, requested I send you a letter outlining the potential collateral employment consequences of a felony conviction to assist with plea negotiations in El Dorado County. I can unequivocally state that any felony conviction will result in his termination from the Sacramento Fire Department. I am unable to predict the employment consequences following a misdemeanor conviction, although some suspension time is likely.

The other potential consequence of a felony conviction is the loss of a portion of his CalPERS retirement. Pursuant to Government Code section 7522 et seq., public employees convicted of a *job-related* felony are subject to revocation of retirement credits earned from the earliest date of the felony conduct.

To qualify for revocation of retirement credits, the felony must be either:

- (1) For conduct arising out of or in the performance of his official duties; or
- (2) In the pursuit of the office or appointment; or
- (3) In connection with obtaining salary, disability retirement, service retirement, or other benefits.


Although I have not yet seen the discovery in this matter, I do not anticipate a factual finding by CalPERS that Derik's conduct was job-related sufficient to qualify for revocation of retirement credits. However, CalPERS will ultimately make this decision based on the underlying investigation reports by the ATF and local law enforcement. Following a revocation of retirement credits, however, Derik would have the opportunity to present his objections to a neutral fact finder in an administrative hearing. For further analysis regarding the California

Public Employees' Pension Reform Act of 2013 ("PEPRA") and the legislative intent behind forfeiture, see *Hipsher v. Los Angeles County Employees Retirement* (2018) 24 Cal. App. 5th 740 and *Wilmot v. Contra Costa County Employees' Retirement Assoc.* (2018) 29 Cal. App. 5th 846.

Feel free to contact me at (916) 599-1701 if I can be of further assistance.

Sincerely,

MASTAGNI HOLSTEDT, A.P.C.

A handwritten signature in black ink, appearing to read 'J. Olander', written in a cursive style.

JOSHUA A. OLANDER
Attorney at Law

Cc: Derik Oakes

EXHIBIT

C

SACRAMENTO METROPOLITAN FIRE DISTRICT

Company Citation

presented to

Captain Derik Oakes
Engine Company 109 "C"

In recognition for
OUTSTANDING ACTS DURING THE COURSE OF DUTY
PERFORMED AS A COMPANY

On December 30, 2012



Fire Chief Kurt P. Henke



Deputy Chief Chris Holbrook

January 23, 2013



EXHIBIT

D

SACRAMENTO METROPOLITAN FIRE DISTRICT

Company or Division Citation

presented to

Firefighter/Paramedic Derik Oakes

In recognition for
**OUTSTANDING ACTS OR SERVICE
PERFORMED AS A COMPANY**

Incident #08-102738
On August 17, 2008

Fire Chief William Spornale

Deputy Chief Kurt Henke

August 12, 2010

