

COVER PAGE

THIS IS THE SAME STORY OF TRUTH THAT I'VE SHARED OVER AND OVER.

This is my attempt at a non-personal narrative. Significant events.

Of course there were thousands of amazing happenings at the Ghost Ship warehouse. Countless creative explosions and even a sleepy romantic spooky atmosphere that prevailed. Even though there were 25+ artists within the space, it would be eerily quiet at times. Peaceful and calm.

It was a true collaboration of spirit in need of home and the freedom to exist uniquely. Those that attended the gatherings were the very artists producing the events - like I said before. We did not seduce those who perished into the space through trickery, they were there because they loved it and felt safe there.

The usual "events" at the space were more like "gatherings." Tea house and spiritual meditations. African drum workshops on the weekends. Poetry readings and open mic. Film night. And just casual collaborations of art and culture. Even the "events" were intimate and masterful in quality of production and attendance. Our goal was community, not profit.

I wish I had the honor of trying to save lives that night. I may have lost my life and the lives of my family. I will be haunted and blessed forever.

-Derick Ion Almena

## MOST IMPORTANT FACTS:

- After accepting our lease, our letters of intent, and taking our money-
- Owner never registered the “change of occupancy” that is required by law.
- She never switched it over from “dry goods storage”, ***the lowest safety standard***
- Into “public gathering – commercial”, ***the highest safety standard.***

## WHY?

Because she would have had to install sprinklers, emergency exits, fire alarms, etc. and completely overhaul the electrical system.

Hundreds of thousands of dollars. Instead they conned me into an “as is”, illegal slumlord fantasy of getting away with murder and \$3.6 million profit.

I am being charged with building a death trap – even though all of my significant changes saved lives and were still standing after the fire.

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## The History of the Warehouse

I began communicating with Eva Ng at the end of October 2013 via email, text, and phone calls. I have all the emails.

I had a property that I rented on Mount Madonna in the Santa Cruz mountains. I was storing all of my festival gear and building supplies at this location. We – our collective, “Satya Yuga” – had just held a private arts festival on the land and were now looking for a warehouse in Oakland to bring everything and build a showroom, workshop, and gathering space.

Nico, M. Brady, Mellisa, Sage & Seth, and Rodney were living in a yurt and trailers on the land.

While looking for a suitable warehouse, the crew was camped out at my family’s house in Oakland- 6230 Laird Avenue. It was crowded but joyful – a welcome change from the mountain – as winter was setting in.

We found the warehouse on Craigslist and immediately met with Eva on the phone and made an appointment to see the space. We met with Eva and her mother, who was pretending to be a lowly family servant – I asked Eva who the old lady was who was keeping back from the conversation, sweeping dust from a random corner with

an old broom, Eva said, “oh, she is just an old woman who does cleaning for us.” I found out months later that it was indeed Eva’s mother, the owner.

We were overwhelmed by the magnitude of the space and its potential. Being amateur building inspectors, there were a lot of important questions completely overlooked in our excited haste to impress Eva. As we did not have a bank account or decent credit score, but we had great references and even showed up with an antique upright piano that we pushed into the space, along with our other instruments: accordion, banjo, flute – we put on an impromptu concert as our first formal application – Eva loved it!

The people present at that first meeting in the space were Eva’s mom, Eva, Derick, Micah, Nico, M. Brady, Safe, Mellisa, and Adrian. Rodey Griffin was not present.

Eva became aware of our financial situation- we presented excellent referenced and our ability to pay 3 months in advance, plus rent for November 1, 2013. So that would be  $\$4,500 \times 4 = \$18,000$ . Eva requested, or rather, required, three lease holders on the contract. At that point we left the space and agreed to communicate through email and phone calls.

Eva requested a written submission of intent – how we would use the space as an art collective.

I (Derick) described our eclectic collection of artifacts from around the world, along with our need to hold gatherings, workshops, and events; that we would be building to suit and that it would be very abstract.

A director at Yerba Buena Center for the Arts (YBCA), Joel Tan, even sent in a very descriptive biography describing my virtue and significance as a much-needed artistic energy for the community. I have this email, which Joel sent to Eva. I also sent Eva numerous links of video and photos of past installations, stages, and performances by Satya Yuga.

**I then requested the “official” and “current” zone ordinance of the warehouse.**

Eva responded, via email, that the zoning was (CC-2), and she attached to the email a relevant excerpt from the current ordinance, describing commercial use of the space... café, boutique, school, nightclub, and office/studio, with the ability to build out living space along with studios. “Commercial- public gathering.” I have these emails.

With hopes of becoming an arts space in a cultural community, my needs were satisfied.

The neighborhood around the Fruitvale had indeed just been re-zoned from “industrial” and “light industrial” into newly “commercial zone cc-2”, the city hoping to gentrify the area and seduce more creative businesses into the area<sup>1</sup>.

For example, auto body shops without the highest safety certificates for hazardous waste filtering and removal were shut down. **“Hello Banana”, our immediate neighbor, totally attached the warehouse, was Omar’s auto, an illegal body shop that would drain waste into the gutters outside a slew of toxic chemicals, and would vent unfiltered, endless toxic fumes.** Much of these fumes would permeate our space, causing the cancellation of workshops and events.

Eva, Kai (her brother), and her mother were totally aware and condoned the unpermitted illegal auto body shop. In fact, the following Monday after the fire, we had a scheduled appointment with a real estate attorney, attempting to exit our lease and bring to the surface our grievances.<sup>2</sup>

Back to lease—we submitted our application, our crucial records, identification, letter of intent, and who the leaseholders would be: Derick Ion Almena, Nico Bouchard, and Satya Yuga, LLC.

- I had the artistic reputation
- Nico was clean, white, well-educated from a wealthy family and owed no money
- Satya Yuga LLC was created for our last event to cover permits and insurance needs
- And we had the cash.

Eva, after checking our references, accepted our application and set a date to meet at the warehouse to sign the lease and hand over cash. I have emails detailing all of this.

Who was present for the signing of the lease? Eva, her mother (acting as janitor), Derick, Micah, Nico Bouchard, and Rodney Griffin came by for about 20 minutes.

Rodney Griffin is an older man<sup>3</sup> that I began working with about three years before the warehouse. He has many years of experience in construction and was a stylish, clever fellow. He soon moved into our guest room as our work together progressed. He lived with my family for 2+ years and eventually moved to the Santa Cruz property with the rest of the crew, were (we had a 215 pot farm, and) we were setting up for an invite-only arts festival called The Precipice. The festival, a three-

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1 Google just bought a city block in the Fruitvale.

2 A day late and a dollar short.

3 I’m 47, Rodney is 55-57?

day campout, went amazingly! But the pot farm failed- I blamed Rodney, he blamed me - truth is, we put all our energy into the gathering. Oh well.

I did not invite Rodney to join the warehouse - feelings mutual - though I did ask him to come by the lease signing and give me his professional opinion and budget proposal to do some work on the space. Money talks, bullshit walks. Rodney showed up, only after I signed and paid deposit and rent. Rodney put in a bid for building a staircase and putting in a side emergency door, detailing how a space that size, for the purpose of public gatherings, needed an alternate exit and the existing staircase, which was located at the very back of the building. We should build one closer to the front door.

I asked him to detail all of this to Eva, which he did, and gave her a quote for the proposed work. She listened and refused, declaring that the lease was "as is" in small type. Rodney argued, as I did, that an "as is" lease for a building was not legal. Eva politely refused to continue the conversation, but gave me permission to make the suggested changes.

I asked Rodney if I needed to get a permit for the stairs and the back door. He said "no," as long as the cost is under a certain amount. Rodney is not a certified contractor. I could not afford Rodney at that time. I was hopeful that the owner would pay for the improvements. Rodney left in a huff, frustrated that I, for the last time, had wasted his time.

I invited him over a few months later to show him my work. Even though we had moved pianos, large furniture, a washer-dryer up the stairs, he scoffed at them. Rodney claimed at the prelim that I laughed at his concerns and that I jokingly called the space "the Satya Yuga death trap." How convenient and disgusting - a place where my children played and slept - where many dear to me labored in unified belief to build something beautiful and safe. FUCK YOU RODNEY GRIFFIN.

My attempt to remain neutral in the sharing of common facts has failed.

Yet- this is a very good example of the kinds of hateful slander that were spread like wildfire through social media, and the news stations lazily scooped the foul scum poison froth off the top of internet troll feeds, never once sifting deeper to the source in all matters concerning my life. Yes, I have enemies, social, political, personal, and they all jumped at the chance to somehow equate all of this death and sadness as being my evil deeds, as if I planned this nightmare for years.

Even the mayor publicly denounced me as being "under the radar" and "illegal," saying the warehouse was never visited by any government agency in 15 years. Only until a month before the fire, due to "complaints," a city inspector attempted

multiple times to gain access to the space and failed. After the fact, cover your ass, lies.

Please! 25+ artists and friends coming and going constantly, door never locked.

After the signing of the lease and Rodney's "must do" list, and Eva's refusal to finance the improvements, Nico Bouchard's faith in the project immediately began to waver. We all needed some space from each other, and I needed them out of my house. Nico suggested that we bring some of the camping trailers into the space, so the crew could be comfortable and warm. Nico Bouchard, at the prelim, admits this fact. That to make the transition easier, and begin building out the space, that it was his idea to move into the space along with M. Brady, Sag, Seth, Adrian, and Mellisa.

After a week or so, Nico and Michael Brady, boyhood friends from very privileged backgrounds, began openly complaining about the amount of work and the start of the problem that plagued the space for the entire 3 years - loss of power.

Within two days of getting the space, all of the power went out except for one plug. I called Eva to complain. Her answer: "as-is, Derick." Yes, I admit it sucked, trying to run our tools and other appliance and lights off of one plug. It began tripping the only working breaker.

We also discovered that there was no waste pipe into the space. The ability to send fecal waste into city waste existed one foot on the other side of a brick wall in Omar's shop. We also discovered that all of the water pipelines and gas lines were either faulty or disconnected from the source. A total façade. No toilet. No water. No gas. No power. As fucking is.

I had rented two other incarnations of the Satya Yuga Ghost Ship in the past - big warehouses, and we have put in bathrooms and kitchen. I only assumed that all of these hookups existed and were in working order.

So within a week, Nico and Michael Brady began planning their exit. And that would have been fine with me - it would make it harder without their help and money for rent, but they decided to poison the entire well and conspire to have the space shut down and returned to the owner.

Nico wanted out legally. Enter Katherine "Kitty" Bouchard. Nico confided in his mother his desire to be absolved from the lease. I was notified that there was to be an emergency meeting with Nico's mother and the collective. Having been told by the other members what was up, I blew it off and showed up two hours late. Nico, Kitty, and M. Brady testified at the prelim that the meeting was set so that Kitty

could show Derick what she learned about building codes and how to go about getting permits and creating a business plan and such.

I had already met Kitty on a few occasions and we disliked each other immediately. This was to be a coup. They are liars, but fine- let's go along with it. They testified that I showed up two hours later- she tried to show me all of her print outs and notes, and that I stood up and walked out.

OK, let's go with that. Then Nico, Kitty, and Mike testify that "that was it! We're out!" And they, along with the crew, took off to Harbin Hot Springs, but leave behind Adrian and Seth, because they didn't agree with the coup.<sup>4</sup>

Within a few days, I'm getting calls from Eva and urgent emails regarding termination of the lease. Nico and Kitty had a lawyer present a legal argument against continuing the lease, that Derick was making radical, unpermitted changes to the space, and by default the lease was void. Nico would then be off the hook "legally."

Eva disagreed heavily- and recited law as argument, saying only if Derick wishes to absolve the lease together with Nico at a sit-down, otherwise current lease stood.

Nico and his lawyer went on for a few days, but Eva refused to terminate, stating to Nico that as far as the law is concerned, no matter what Derick doing on his own, that we are joined at the hip and mutually responsible, and fact of the matter - it was only due to Nico's financial background that she accepted our application. I have emails of these conversations.

Nico then informed the "landlord" Eva that he was not accountable and would be leaving the county. A few days later, Nico and Michael Brady took off on a pleasure cruise to Thailand.

Sage and Mellisa, realizing they had been used, seduced by sushi and hot springs, apologized and asked to return to the space, obviously being abandoned by the two rich brats. I happily welcomed them back.

#### WHY IS THIS IMPORTANT?

Because Nico should be in the next cell - sitting with me in anguish, fighting for truth and justice together- but instead, a stab in the back as excuse to escape

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<sup>4</sup> Side note on Michael Brady: during this period he was going by the name of Muad Dib - you know, Paul Atreides, Dune. Even though he never read the book—and so when I got to the "meeting," the last thing I heard as I looked back was Michael Brady rising up and declaring that "they" were now "pulling my heart plug" and he even acted it out. That little fuck. And then they went to the hot springs.

responsibility as being an active leaseholder. Only now, a year plus after the fire, do Nico and Kitty and M. Brady exude such a compassionate concern as always being at the forefront of their moral standing, describing me as a manipulative demon destined to ruin their lives. That they tried relentlessly to warn the powers that be of my dangerous actions. Just like Rodney. The amount of conscious humanitarians that finally took the desperate heroic chance to stand up and warn the public against me, after the fact, is staggering. Slow come hero, harvesting such suffering and sadness. Shame on you.

I eventually met with Eva regarding her concerns - the list of damage sent to her by Nico's lawyer. Eva came to the space with her brother Kai and did a complete walk through. Yes, she saw and walked the stairs. Yes, they saw and walked through the side emergency door. Did they complain about the quality of construction? NO. Did they terminate my lease? NO. They told me to get a contractor to sign off on the changes and obtain permits. I said NO. You do it.

Eva and Kai also saw that I had gone through the wall into Omar's the gain access to the water main and the city's 4-inch waste pipe. And they saw the two bathrooms and shower that installed. Once again, they said that they did not have a problem, as long as I obtained permits. I said No. I then showed them the brand new breaker box, new conduit and receptacles, and asked if they would pay me back. They said No.

No, no, no, no, no, no, no, no, no.

I told them "the work has been done, paid for and executed by me and professionals that I could afford to hire. Now you get the permits." They left - nothing happened - in a few emails Eva brought it up, but no action was taken on either side, and the owner kept getting her \$4,500 a month.

Mind you, this is only about a month in. It's not early December 2013. My brother is about to die.

If December 2, 2016, did not happen, then all this is juvenile bullshit, my problem, and I was dealing with it the best I could. What you've heard up to this point is trivial, and what you hear after - now - is equally unimportant to those beyond my immediate family and circle. But: because of the fire and the loss of life and my consequent imprisonment do I offer up these basic truths. Not as excuse - never! Only as an honest timeline and release from misdirected guilt and prejudice that would very much like to bury me and continue the suffering by destroying my family and breaking my children's hearts. I'm sorry- but glad, they did not die that day.

So in December 2014, we are rebuilding the electrical system within the warehouse. We hired "Jake's electric" from an ad on Craigslist. Jake testifies at prelim. It is Jake



that cuts the hole in the floor for the 2<sup>nd</sup> set of stairs that would end up being 12 feet from the front door. Jake is also the one who installed the much-needed emergency fire door into the yard from the south side of W.H.

With the permission of Omar, Jake and I follow the electrical main lines into Omar's space where there is a decrepit 1930s breaker box and huge 3-phase transformer. Jake diagnoses a series of problems at this location. From this point power runs into our warehouse. Jake predicts continued outages and the potential for future fire. We continue following the main line to the point where it actually enters the building on the corner of International and 31<sup>st</sup> Avenue into a crawlspace above Boost Mobile. Jake is aghast when we finally discover the crawlspace where the power off the street pole enters the building and goes through a first ancient transformer into a first breaker box- then from there, the power line runs through the mass of building finally into Omar's.... into a 2<sup>nd</sup> set of breaker/transformers. The situation where the power enters is horrible- it's been raining and it's leaking all over the transformer and breakers. There are frayed wires and obvious signs of "illegal taps" where someone(s) have been stealing power. Jake is horrified.

I contact the landlord immediately - Jake testifies to all of this - and they refuse to make changes and once again declare "as is". Jake is unable to clean up the power in the crawlspace, but is able to do what he can in Omar's and in our space. But: he predicts that as our warehouse "grows", we will be pulling more power and he is definite about the danger.

I continue to ask for help from the landlord, Eva, and finally decide to withhold rent for two months (\$9,000) because the power does continue to go out periodically and artists are moving out and events cancelled. Do they kick me out- no. They threaten to. Actually, Eva resigns from her role as manager and her brother Kai decides to take over. He writes me via email. I have these emails.

Kai demands rent. I refuse and send him poetic complaints, explaining to him that "as is" should imply "to a working industry standard." Kai finally accepts that I won't pay and doesn't bother me for a while, realizing he is lucky to get any rent at all. For the three years, those are the only two months we didn't pay.

December 24, 2013: My big brother dies of an overdose on Dec 24. I enter a deep depression. Yet - miss his funeral - avoiding my sadness - with working on the space endlessly. I begin to self-medicate and become obsessive about finishing construction.

Feb 2014: Nico and Michael Brady come back from the party islands of Thailand. They both come by the warehouse and apologize for screwing me over - Mike asks if he can move back into the warehouse. I swallow my pride and better judgment and allow him back in - of course he takes over a completed showcase loft that is

too beautiful – but I need his money and body. Nico regrets that because of all the drama with his mother, he definitely can't move back in, but promises to help build and come by often. He eventually helps me load a U-Haul and move my family house into the space. I just can't afford paying for both situations. I rent a large room at a friend's house near the warehouse so Micah and the kids can cook/shower and sleep until their private space is ready. Micah and the kids loved the space – it was starting to come together and hard to keep them away.

A little later down the line, in September 2014, someone sets a fire outside the warehouse. The local fire department around the corner puts it out and decides to come by the next day, during an intimate musical event. After walking through the space, the fire captain asks me if I live there at the space. I answer “no” – this becomes a point of contention with the media and the district attorney.

Once again with their shallow investigations – never asking me – they are unaware that at that time the kids, with Micah, lived with our friends. CPS even came to that location to meet the kids and make sure they were safe and taken care of. All this is documented.

Of course, after a few months, Muad-dib (Michael Brady) moves his girlfriend into the space. She takes over a vintage RV and after a while they are rarely seen and fail to help with the space. This is where it gets a little shady. The entire crew is upstairs setting up for an event with God's Robots and Mike announces that he is leaving with his girl in the morning – owing two months' rent each – and then he goes down to pack. There are a couple guys from the neighborhood that know the story with Mike, and they have been volunteering at the space to stay off the streets and out of trouble. They follow him downstairs and literally kick his ass out of the space – take his keys from him and take his car somewhere. I hear a commotion and go down, Mike is already gone – run off. I don't know anything. Didn't see it, didn't order it – but super glad he is gone.

Supposedly Michael Brady goes to the police and files a complaint. But they never show up and I never hear anything about it until the prelim. The DA asks, why didn't you have the police arrest Derick and his gang for assault and car theft? This is good... Michael says that he was afraid for his life.

Note- that is the same excuse that Michael and Nico used during the prelim, describing why they so quickly left the country after quitting the warehouse. They both said, and Kitty agreed, that they were afraid for their lives, and that I was constantly threatening them, so they fled for safety (no records remain as evidence of supposed threats).

This is all brought up at the prelim. None of this has anything to do with a fire or death three years later. Why did they both return to the warehouse after me

threatening them? Mike never came back after this second time. Nico stays on – always visiting and hanging out with my kids, even attending events!

Nico is coming by often at this point, even coming to events and refusing to pay the entrance fee – bragging that he is a leaseholder, an original creator of the space, and an original member of Satya Yuga Collective. He shows up in June 2016 for the Welcome Home party for the kids, congratulating us for our success with CPS.

#### SHOULD NICO BOUCHARD BE HELD ACCOUNTABLE?

That’s the only reason Kitty, Mike, and Nico offered themselves up to the DA as witnesses against me. To somehow prove that Nico was always concerned for the safety of the space, and tried his best to get off the lease. But, as our defense brought up, what did Nico do during these three years to make it safe? Or to whom did he complain about the safety of the space? He walked the stairs, he attended events. He even built and was the first person to move in and live at the space in a trailer. His testimony is only to deflect from a guilt that he has bought into out of fear – and selfishness. I believe we are innocent. Together we stand... divided. This testimony from Nico, Kitty, and Mike was a huge part of the DA’s attack against me.

Now moving on—

A few things are happening at the same time:

CPS has been coming by regularly. Someone is offended by the children being at the space – one complaint that sent the police over (via CPS hotline) was that the kids were hanging out the windows naked, screaming that they were hungry- oh dear.... The police (4 cops) showed, demanded entrance, gathered all present to stand outside against the wall, while the police met privately with the kids upstairs – up those “rickety” pallet stairs...

The kids were dressed. There was a massive takeout Chinese food feast on the dinner table and my oldest daughter Bolonik pointed out that there were metal grates covering all the windows.<sup>5</sup> The police apologized and stated it was obvious that we were being harassed.<sup>6</sup>

So, once again:

- Regular power outages
- Regular CPS visits

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<sup>5</sup> They were removed later as fire escapes – Aaron Marin jumped out a window during the fire and survived.

<sup>6</sup> The entire space as witness and once again documented.

- Regular visits by police (friendly)

I would approach the police doing their nightly paperwork across the street in the Wendy's parking lot. I would go talk with them and invite them in, and on a few occasions when prostitutes and drug dealers would hang out in front of our space, I would ask the cops to park out front and make a show of presence. They always obliged.

Omar's auto vacated one of his two spaces - he had a huge space with two roll-up doors that he subdivided. He moved his entire business into the space closer to us, where he had his illegal paint shop. The space closest to Boost Mobile was up for grabs.

I found someone who built tiny houses and was an electrical engineer. Ben Cannon moved into that available space.

This is when it gets badder and darker - for a while.

On September 26, 2014, there was a fire in front of the building. We had set out a circus tent that was to be loaded and taken to a festival. It was huge. That very weekend someone was going around and setting fires - 8 fires throughout the Fruitvale on Friday and another 5 fires in Alameda on Saturday. The local firehouse was returning from putting out the 7<sup>th</sup> fire that night- and luckily discovered the front of our space ablaze! No one even called it in - we were blessed! The front of the building was blackened. It looked like war.

Remember Rodney Griffin - well, he hears about the fire on the news, drives by, and then decides to alert the local fire station as to the goings on in our warehouse. He testifies to this at the prelim, that he was so concerned for the safety of those whom could be in danger in the future that he pulls into the local station and files a formal complaint. God bless you, Rodney. His official complaint is never found in the system. No record of it.

This is where it gets good- so according to Rodney's testimony, he filed an official complaint against W.H. The day after the 'arson fire' September 26, 2014. The local fire captain decides to make a scene with all positive intentions and brings the big shiny bright fire truck - pulls it right in front of the space, and the entire fire crew - 6 of them - approach the warehouse. Well, it turns out that we were in the middle of an invite-only musical event with an entire pig being roasted in the yard. Bands playing upstairs (documented).

Everybody freaking out thinking they are here to shut us down - after all, there was a huge fire out front the day before. The captain politely asks for Derick - he knew my name from a few other times in passing, the station was literally 100 feet from

our space and my daughter Boli would pass the station every day on her way to school at Epic Charter. Of course, I welcome the captain and his crew into the space, and gladly offer a tour of the space. We all go up the front stairs and check out the band for a while, then go back downstairs and wander around. They seem to be impressed with the space and are entirely pleasant. The captain ask me a few questions, and then they leave.

They do not shut us down. There is no follow-up inspection.

**Now, this is probably the most significant testimony of the entire prelim.**

The stairs were not “traditional looking” but very strong, sturdy, and well-constructed. According to the actual testimony of the fire captain, in his own words: he decided for himself after the luck of putting out the fire the day before, that he would take a personal approach and look into what was really going on in the W.H. He had known for years that it was a dry goods storage warehouse and that the last 2-3 years it was vacant. Then all of a sudden there is all of this activity: murals, antiques loaded in, exotic statues and woodworks, and the coming and going of artist types with children present. So he decided to do an “unofficial” inspection. He openly admitted that “Derick seemed very happy to welcome us in,” and was not attempting to hide anything or play the situation down.

The fire captain describes the space as being very cool, eclectic, and stylish, and everybody was mellow, listening to a really good live band. **The DA asked the captain if he went up the front “rickety pallet” stairs.** The captain answered “yes” – “the music was on the second floor and my crew used those stairs to get up there.”

The captain acknowledges that he asked me a few questions: what was the zone code for the space – I told him I had a public/commercial lease. He asked if I lived there with kids. I said “No,” because technically the kids lived elsewhere. He admitted to looking around the seeing if he could see any fire safety system-sprinklers, alarms, etc. He did not see any. The fire safety code is a much higher standard for commercial/public than it is for residential. He agreed that I was hospitable and welcomed any advice or concerns. Then they left. The fire captain declares no knowledge of Rodney Griffin’s complaint.

The DA asked why the captain was concerned about the space, and why would he take it upon himself to do an “unofficial” inspection. The captain answered that normally, they are made aware of spaces like the Ghost Ship being converted from one zone to another, and that usual protocol would lead to an “official” inspection. The fact that he had no idea of what was really going on there was a concern to him – in case of a future fire. He then noted that he himself put in a formal request for the correct current zoning of the W.H.

***The fire captain admitted that in over two years after his inspection and request, he never received a reply from the city inspectors.*** I need to remind you – that the mayor publicly denied that the city and any of its agencies were ever made aware of our existence. I will keep bringing this up – she implied to the press that we were “illegal.” That is a crime of disinformation, my kids suffer for it!

Let’s go back to the arson fire: September 26, 2014.

After the local station puts out the fire, who shows up? After 8 fires that night, who, if anyone, would be run ragged? Chief Investigator of Arson for the City of Oakland – Alameda County, Officer Sabatini. Officer-Arson Investigator Sabatini shows up to investigate and determine if accelerants were used to start the fire. She is with a gang of other official firemen in white shirts with badges. Sabatini notices that the fire has cracked the front windows from extreme heat – she is concerned that an ember may have penetrated the space and asks me if she can conduct a walk-through. Of course!

Sabatini admits to being there outside, but on the Prelim stand she perjures herself. She flat out denies ever walking through the W.H. Here is the truth: as she entered, she noticed an altar that was built for a Hispanic girl that was murdered across the street. Being Italian and Catholic, Sabatini made the sign of the cross as she entered.

A few months after we got the space, Ayana Dominguez was shot six times in the parking lot across from the Ghost Ship, in the Wendy’s Drive-thru. Myself and Micah rushed to the scene after hearing the shots. Ayana was in a car with her boyfriend, who was shot three times. We ran across the street and saw the scene, came back with my car and pulled Ayana into it. My wife Micah jumped in, but the boyfriend refused to come – he just wanted to die. Ayana was shot in her neck – the back of her head and 4 shots in her torso. We took off down Fruitvale and passed police cars that were heading to the scene. They noticed the blood all over the window and my wife praying for Ayana.

Someone reported that we were taking her to the hospital, trying to save her. The cops turned around and surrounded us, then over the loudspeaker told us that they would escort us, like 100 miles per hour, sirens ablaze like a burning, flying phoenix. We arrived and 15 minutes later she died. We were questioned for hours – doctors and nurses came out to hug us. We were heroes. Nobody in over 8 years has rushed a stranger to the ER.

Along with an altar for my brother, we built one for Ayana, on top of an old church organ. There were a few beautiful depictions of Christ on the altar, and when Sabatini entered she paid her respects. Sabatini denies this, even though a dozen witnesses saw her in the space praising its beauty and declaring the warehouse a

local treasure! Complimenting the local fire crew for saving the space, that is was “like a museum.” Sabatini lied on the stand. Sabatini lied in the eyes of God. I swear on my children that these statements are true! Why would Sabatini lie? Admits to being at the fire on the outside, but denies entering the space. Why?

Sabatini and the fire crew wrap things up, and she gives me her card. I give her my info and we never hear from her again – until December 3, 2016. An investigator for the DA reaches me for questions. He says Sabatini told him to find me, that Derick is a good guy and will fully cooperate. So the day after in the Red Cross lobby – I recited this entire story and drew maps and diagrams- for the DA investigator.

The Fire Department, on multiple levels, does not shut [us] down, actually encourages us to keep up the good work.

Shelly Mack moves in. Ben Cannon starts building tiny houses two spaces down, using very heavy equipment (heavy load). Then the transformer next door blows – catches fire and kills power to all 3 units on 31<sup>st</sup> Avenue. The Fire Department responds and leaves quickly. Nobody shows up to inspect. Nobody calls PG&E. Ben Cannon puts in a bid to the landlord (Kai) for \$36,000, saying he can fix the entire problem without PG&E being notified.

Shelly Mack and her 9 cats decide not to pay rent and enact squatter’s rights – the official procedure. We are in complete darkness for over a month. People and events are quitting. Omar blames me. We all complain to Kai repeatedly.

The police show up and authorize Shelly Mack’s squatter’s rights. Officer Del Fuego and Officer Chavez. According to the rules, I have to provide hot water, shower, kitchen, toilet, and power for Shelly until our official eviction papers go through.

### **Squatter’s Rights? Blown Transformer? CPS.**

So Ben Cannon makes a deal with the landlord – Ben orders a transformer from Texas to be delivered and in the meanwhile, repairs all the fried conduits throughout the three spaces, removing the old transformer. We put it in the side backyard as proof – I tell the DA about it. The new transformer is delivered and installed. Illegally, I find out. A legal installation would require a PG&E inspector to come out and authorize the job, along with providing the permit to purchase the correct transformer.

Ben and the landlord keep it secret. ***Jake’s electric comes by after the install of new transformer, and testifies at the prelim that the new transformer was of an “incorrect” rating and would eventually fail, potentially catching fire.***

AND: We finally evict Shelly Mack. She promises to call CPS on us and make our life hell.

A CPS agent comes by the warehouse. We are out; he leaves a card. We call CPS and set up a visit at the house where we rent a room – the visit goes well and the kids are not removed. The visit is documented. We officially move into the warehouse. Why not, after the squatter's rights issue?

January 14, 2015, we, the parents of Bolonik and Shai Ion Sun, host the annual local Waldorf teachers/faculty winter party. Everyone loves the space. They give speeches, share gifts, wander around, and admire the space. According to an article in the East Bay Times, and in our discovery, one of the teachers' husbands is a local fireman and recently admits to being at the party and enjoying himself, and did not feel the need to report us for safety violations.

For a moment, we actually catch our breath. Things seems to be on the up, going good. The calm before the storm.

Exactly 30 days after the Waldorf teachers' party – February 15, 2015—my wife Micah's mother Annie reaches out to us and says she has heard that it's been rough for us with the kids, and wants to come up and help. We find out later that he has called CPS from LA multiple times and was distraught that no action against us was taken. The kids have lice from school, along with dozens of other kids- it's literally an epidemic. Micah encourages her mother to come up, get a hotel room, and isolate the kids so we can wash all bedding and such and she can perform rigorous lice treatment.

Great plan! Except that Micah's sister Ashley (Asha) has also come up in a second car and decided that the kids needed to come with her to Los Angeles, that the kids would be safer with her. So Micah's sister heads to LA and the mom, Annie, threatens Micah that if she does not come to LA and check into a drug treatment center, she will hand the kids over to CPS.

Micah tells me she is going out front to go have coffee with mom and kids. She never returns. Her phone is in my pocket and her mom is not answering my calls. Her mother send me a text saying the Micah and the kids are going to LA for a while so that I can finish the warehouse in peace, and that they all love me and believe in me.

**DAMN THIS FUCKING WAREHOUSE!**

Micah gets sponsored by some friends to enter a \$40,000-a-month dharma punx super-secret, super-exclusive, all-organic, holistic massage meditation therapy in



some super-trendy giant house off of Melrose in Hollywood. She tests negative for drugs, but decides she likes it. I don't hear from her for a week.

After two weeks, not being able to speak with the kids, only talking with Micah during regulated, monitored phone calls, I go fucking crazy. I'm sad and lonely and confused and most of all, I'm totally jealous that Micah is getting uber-pampered and loving it, and I'm the bad guy, left to my own, because I'm strong and I can take it.

Wrong.

I post on Facebook that I'm gonna kill myself. Finally, they let me talk to my kids. I tell my daughter to find some mail with an address on it. She goes lookin' - I hear a scuffle. Micah's sister gets on and says "No, Derick, it's not gonna work that way." I hear my kids crying in the background. The cops show up at the warehouse responding to a suicide threat. I know them all, and share what's going on. I make a police report - kidnaping - and am told to take this blue piece of paper to a police station in Los Angeles and press charges. Great!

This part of the story gets very exciting, but a bit off the subject. So, I will cut to the chase. I end up going to LA and let's just say it doesn't go well for us as a family—so we think at the time. The kids end up in CPS custody, and Micah and myself end up homeless in LA for 4 months, trying to figure out how to proceed with the court-mandated list of needs to be fulfilled.

This time period came up at the prelim, because it proved that the warehouse was able to operate without us being there, that as a true collective, it was self-directed and took care of itself. That there were "no leaders" demanding tribute, and that the space was utilized by a greater community outside of those that rented space at the Ghost Ship.

We petitioned the child courts to move the case to Oakland/Alameda County. Alameda County CPS sent an agent to the warehouse to substantiate our claims that "it" did indeed exist, that we were artists living in a wholesome community, that the basic needs of the kids could be met, and it was a safe environment. Alameda County CPS Agent loved the space and allowed us to move the case back home.

We were given a list of classes and therapy that we must attend. Two of those were dropped immediately- Anger Management classes turned into marriage counseling. Drug rehab was deemed unnecessary and the court prescribed individual counseling. We also completed all parental and family therapy courses. Finally, I (Derick) had to complete a 20-hour psychoanalysis. I was diagnosed as being

schizotypal with over-protective tendencies, as a father and over those close to me (documented).

Since we were so productive, the local CPS social worker promised and followed through on flying us to LA every other week and paying for our hotels, for entire weekends and even 11 days of Easter break. At first, we were horrified of CPS, thinking we would lose our kids forever. But they really understood our unique situation, and did their best to facilitate the kids' swift return.

Our three kids were placed in the care of my mother and sister, so it was actually bonding and a loving experience. We were given a year by CPS to complete all therapy and get the warehouse to a completely safe and livable situation for the kids. 30 days before the kids' return, our CPS social worker came out to inspect the space. She loved it and congratulated us on our hard work.

In June 2016, the kids returned. We had a huge party for them and our broken hearts were healed. Every 30 days, our CPS social worker would come by the space and do a walk-through and meet with the family. CPS inspected the space six times up till the fire.

I forgot to mention that one of our requirements were to drug test once a week. We volunteered to drug test two times a week. We ended up testing for over two years, well after the December 2 fire we continued to test and attend family and individual counseling. WE HAVE NEVER TESTED POSITIVE FOR DRUGS.

The media continues to describe the W.H. as being loaded to the brim with building supplies and toxic mess - a chaotic labyrinth unable to navigate. In order to get the kids back, it had to be clear and clean, with open halls and passageways, with open access to exits and staircases. CPS social workers climbed those stairs regularly. In fact, our social worker was sick for 2 months and she sent two different agents to inspect while she was out.

If the space was as described by the media, the DA, and hateful people, then we would have failed multiple tests. CPS inspections are no joke. California has the highest standards in the world.

**The warehouse is currently registered as: non-occupancy dry goods warehouse. Owner never complied with city protocol.**

Ben Cannon ends up moving out of his space, and the owner allows a rave party crew to rent the space. Max and I freak out -Max writes an email to the owner describing the kinds of parties and problems these renters will cause (this email is available). Max outlines the continued problems with the power, and if nothing is done to improve the situation, it will only get worse. Owner disregards warning.

Sure enough, October 2016, Halloween party at that space spills over into the street, causing police to shut it down. In the process, a drugged-out attendee somehow makes it to the roof and gets trapped when the party is shut down. Guy on a roof calls 911, saying he is really high and doesn't want to fall off the roof. Fire trucks with big ladders show up, but victim is too unstable. Paramedics are afraid to get him off by ladder.

So I give fire and police permission to go through my (our) space: up "rickety" stairs and up our ladder, through a sky light. A dozen officers, fire and police, take my advice and I lead them upstairs and they save the guy. We have it all on video, posted to the web. As, once again, proof that government agencies, on numerous occasions, entered the Ghost Ship.

The day of the fire, I was aware of an event happening at the Ghost Ship. My family had an agreement with the space and outside artists that were to utilize the space that a donation would be made to secure a hotel room<sup>7</sup> for the night, especially if the gathering would be going late and/or loud. So that night, early evening, 7pm, we got the kids together, headed to the car - I passed Barret, who was supplementing sound that night, gave him a quick hug - and headed to the hotel. Barrett was a usual face at the space. He donated his skills as a sound engineer<sup>8</sup> to many local events in the bay. He knew the space very well and the power layout, dual staircases and exits. He died that night.

Around midnight, I got a call from Aaron Marin saying that the place was on fire and everything was lost. I hung up on him. Ten minutes later, Max called, saying the same thing. I told him, "damn, guys, can't I get a break? Stop fucking with me."

During most events we actually would hire babysitters, so the kids were safely away and Micah and I could chaperone/monitor/mom-and-dad the events. Micah loved to dance to all music and create a positive vibe with her beauty. I would document and make my rounds, checking on safety and guarding the privacy of our artists' studio spaces.

I totally thought they were fucking with me, until Max put Darold on the line....  
"Listen, Derick. This is real. Everything is gone. The place is totally engulfed in flames. Total loss."

At that point, Max and Darold thought that everyone made it out. So when I told Darold that I was heading over, he told me **"no, don't. There is nothing you can do and you're gonna need your rest. Enjoy the hotel, because you're now homeless."**

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7 Or pay a sitter.

8 His crew was Katabatik.

I was destroyed. And for some reason, I felt it was important to let CPS, my friends, the world, know that the kids were safe, at a hotel with dad and mom, and that everything I had worked my whole life for was gone. I HAD NO IDEA ANYONE WAS DEAD WHEN I POSTED THAT TO FACEBOOK.

3:00 a.m. Only until 20 cigarettes later and a call from Bob Mule, telling me that he tried to save Pete but could not. Bob's call at 3:00 a.m. telling me Pete was dead leveled me. We - especially my kids - had grown super close to Pete. He would read to them and share scientific theories on a kid's level with them. Pete joined us for an outdoor festival<sup>9</sup> where we built a tea lounge/performance space. Pete was the kids' caretaker, big brother, the entire weekend. Pete was dead.

I rushed over to the W.H. and turned myself over to police and fire for questioning. They said they had no use for me, but that I should give a list of occupants to the on-scene Red Cross.

Within 24 hours, my Facebook post went viral and I was condemned internationally as a scumbag junkie slumlord, evil, devil-worshipping, sex orgy maniac with no remorse and a black heart. Within 48 hours my Facebook page was deleted and my website was deleted - not by me, but by the executives, saying they could not further host someone as diabolic as me.

I traded two interviews with NBC for hotel rooms for my crew for a few days. The news media started rumors that I was rich off the profits of dead people and slumlording the W.H. The disinformation that spread like wildfire, all false gossip: that we were squatters. Stealing Power. Illegally occupying a W.H. An occult performing death rituals. That we were underground, totally avoiding detection for years. And of course, the mayor's most destructive comments. People who had never even been in the space gave interviews, describing it as totally full of crap, floor to roof, and a total death trap.

**We found out later that the mayor's office paid out \$90,000 to a publicity firm to handle the press and continue to spin slanderous propaganda against me and Max (documented by the East Bay Times) as a means to scapegoat us and distract the public from the truth, ultimately wasting hundreds of thousands on a wild goose chase, causing the family endless suffering by not going after those truly guilty.**

I called Nico and asked him to help me with a lawyer. He fled to Ireland and contacted the DA, saying he will return as a witness against me. Totally making a deal to avoid being criminally liable.

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<sup>9</sup> Symbiosis Festival.

Friends of ours helped create two online charity drives, GoFundMe and YouCare (?— something like that). Close to \$3 million was raised and both organizations decided that my family should not receive a fucking penny. They publicly declared that we were guilty of murder and that our 3 kids, who lost everything, even people they cared about, were not to be considered victims. Guilty by association.

My kids' schools, where Micah and I volunteer, came up with a couple grand, donated by local impoverished parents, and rented us a little cottage for two weeks to get our heads together and grieve in peace. Red Cross gave us six grand and we bought an RV and lived in it in the snow on a horse ranch in Mendocino throughout that solemn winter.

I tried to start another GoFundMe just for my family and it was also deleted, due to the barrage of foul threats and disinformation against us. Through our lawyers Tony Serra and Jeff Krasnoff, we informed the GoFundMe - and YouCare - that thousands of dollars were donated by friends, family, and strangers thinking it would get directly to our family. They made excuses and led us to believe that they had set aside funds for the children, but that never happened. One of the women that worked for GoFundMe was publicly threatened online and pics of her house posted, because she had openly advocated for aid to our family.

My teenage daughter started a GoFundMe under her name and raised enough money to get us a nice little house in the mountains. When she tried to transfer the funds to either my new Wells Fargo bank account or her mom's, they blocked it and threatened to dismiss the funds if she tried to give us, her parents, the money. So she had to sneak and get GoFundMe's permission to give it to my sister, who has a different last name, Katherine Moreno.

In the six months that we had together after the fire, Micah and I volunteered and started a free youth art class at a Lake County rec center. I volunteered at a thrift store to be able to furnish the house through trade. Micah got a job as a parent advocate social worker, helping families navigate CPS and the courts. All of the kids were enrolled in school and we attended weekly family counselling as well as drug testing.

Then they kicked the door in.

A few members of the Ghost Ship donated money from the aid they got from those organizations, and that totally helped us pay our rent for a few months. I had also put in an application with the same organization that hired Micah, as an art therapist and after-school coach; and a position at a foster kids' group home. With my 30 years' experience working with at-risk youth and running community centers in Los Angeles, teaching art and photography and sports, as well as being an

art/craft director at Griffith Park Boys Camp in Los Angeles (Hollywood Hills), the possibility of an awesome job was waiting for me. But the week I put in my application, they stormed our house with assault rifles, even using the barrel of a rifle to keep my kids from running to me while they handcuffed me in my underwear. I never got to hug them goodbye.

And now for 8 months I have been kept in solitary confinement, only being able to come out of my cell for one hour every other day, with a choice to take a shower, use a public, totally unsanitary nail clipper, use the phone, hopeful that it's not 6am or 11pm—needing it to be after 6pm, the kids' school after care. So the chances of talking to my kids is like one in ten, and the chance to compete against thousands of other inmates to go to the "yard," a fenced-in cage with a basketball hoop and a flat ball that is "technically" outside, even though a metal grate block out 50% of the sky, and the deputies usually pick favorites for the chance to get out in actual "sunlight." It's fucked. So I've only been to the outdoor cage one hour in 8 months. Plenty of opportunity to go out at night, freezing, with bugs showering down on you from giant flood lights.

I'm not complaining. I'm alive.

I would like to end this narrative with a few questions.

1. How is it in the best interest of a judicial system to have a mayor that outright denies the truth out of ignorance and then hires a publicist at a rate of \$90,000 to create a political and social media smokescreen, illegal covering for multiple government agencies' failures?
2. How is it possible that local fire, police, and CPS agents entered and inspected the space repeatedly throughout the three years and never found cause to complain, file paperwork against us, or ever attempted to shut the warehouse down? Were they fooled? Or did they approve?
3. Why is Fire Officer Sabatini lying? Denying ever stepping foot in the warehouse, when she is on record to have responded to a September 26, 2014, arson fire. How is she so easily able to get away with perjury when a dozen witnesses testified to her entering and walking throughout?
4. How can local media continue to slander the warehouse with contrived negative descriptions when it has actually been described under oath, many times, even by a Fire Captain and CPS agents, as being a safe, clean, and beautiful space?
5. Why, in the civil case, is Mary Alexander putting the local government, police, fire, PG&E and the notorious owners on the top of her criminal list of those ultimately responsible?

## FINAL STATEMENT

If the mayor and the media would have handled the tragedy from the beginning with due diligence and an honest respect for the facts, rather than jumping to conclusions that serve their political or financial agenda, then by this point we would surely have clarity and a truth closer to closure and healing. Rather, the families and friends of the victims have been led down a path of misinformation, taking them further from justice and peace.

DERICK ION ALMENA