

Statement of Teak River, a/k/a Sherwood Duke.

Given to the Marshall City Police on Saturday January 14, 2006.

Present at commencement of interview: Officer V. Patches, Star #6019, Teak River, Thompson County Assistant State's Attorneys Lily Garcia and Rory Clark, and Donna Beiner, Esq.

RC [ASA Rory Charles]: We are on the record. This will be the statement of Teak River in connection with a plea arrangement with the State's Attorneys Office of Thompson County. Teak River is represented by counsel Donna Beiner --

Beiner: B-E-I-N-E-R.

RC: And also present is Lily Garcia, of the State's Attorney's Office. I will now swear in the witness. [Witness Sworn]

Beiner: I want this on the record up front. Anything River Teak says here cannot be used by the prosecutor for any purpose. In exchange, what is said here today, all charges relating to the January 13, 2006 cannabis buy will not be prosecuted. Teak will be released after this.

LG [Lily Garcia]: Counsel, that's our agreement between the State and the witness, Teak River, also known as Sherwood Duke.

RC: Is Teak River your real name?

TR: Yes. It's now my legal name. In 2000, the dawning of the Millennium, Moon and I had our names legally and organically changed to our natural names. It was to honor our commitment to earth. We wanted to share a name to show our real friendship. River Moon is my best friend for seven years. The name River is the same. See, Teak River and River Moon.

RC: Whatever. Let's start with the basics. What is your story on what happened at Bianco's Pizza Parlor last night?

TR: I was overwhelmed with everything going on with Project Leaf. That's Leaf with a capital L-E-A-F, with an exclamation point at the end. It stands for "Loving the Environment And Forests!" Moon and I started it three years ago. Anyway, so I've been clean for three years. Last night should not have happened. I needed some relief. I went to Bianco's to get something to eat. They have a great clam sauce on Fridays. Maybe I also knew I could score some weed there. Maybe that's why I went there. I was like entrapped into buying an ounce from a cop. You people were

waiting to pounce on me. It was pure entrapment. You took advantage of someone with an addictive personality.

GARCIA: You play, you pay. Go on.

RC: So, you haven't had a drink or done drugs for more than three years before last night?

TR: Well, I wouldn't say that. A little with friends, but not like before. I was like a mess before. Until about the time me and Moon started Leaf, I was what you would describe as a drug addict. I just floated around the environmental rescue scene. I did drugs, natural drugs. I was, like, helping society, but I wasn't. Getting straight and forming Leaf was helping society.

So, you know, I have these two prior drugs convictions and if I don't get you to drop this one from last night, I will be a three striker and get a life sentence. So, I got to tell you what you want. Plus, even if I pled to a misdemeanor drug crime, anything with drugs on my record, I would lose my job.

RC: What's your job?

TR: I work at Marshall City Community College as a peer drug counselor for about two years.

RC: What is your training for this?

TR: Former user. I'm a recovered drug addict. I mean, I have been where people don't want to go. I tell them about the dangers of doing drugs. Like, I talk to people struggling with drug issues. It's a great job for someone like me. Good salary. Benefits. I got an award from MCCC for my work starting a new confidential peer group discussion group and a bonus last October.

See, I come from a bad situation home near Foley, Alabama. You never heard of it. I came to Marshall City seven, yeah, seven years ago, like, June. Like, I was with a group here to protest at the Halliburton office building and so. Back then I floated all over the US and Mexico with different people. I met Moon at the Halliburton protest and stayed here. I lived with Moon off and on, worked dumb jobs off and on, in and out of jail and prison until, like, late 2002. The Moon helped me get a GED, a regular job, and kept me away off drugs. Moon's friendship like turned my life around. Moon helped me with cash sometimes. A good friend. Now, you people make me testify against my best friend.

RC: Right.

TR: Hey, I am doing this because it's the truth right. The truth. You got me where you want me. You want the truth? I'll give you the truth.

LG: Well, perjury will void your agreement with the prosecution.

RC: Let's focus. So, you teach at a college, but never attended?

TR: No, The GED I got in 2003. But, I can take classes free at MCCC as a benefit from working there, and I plan to do that soon. I'm improving my life.

RC: Tell us about the events leading up to the New Years Eve Party at Moon's.

TR: I think Moon got crazy about end of October, really. The top folks at Leaf - I guess that would be me, Moon, Courtney and a couple other core folks who come in and out of the project - decided in July that we would fight Marshall City Hall like the suits would. You know, fight within the system. We thought it was such a no-brainer to deny approval of the Treasure Homes project, that maybe we could gain some credibility in this fight. Have people not see us as a bunch of radical hippies. We thought there was no way they would build a million dollar gated community in Peace Park on the south side of the city and put

Martin Luther King's Children's Peace Tree behind a gate. We thought the neighborhood would riot at the thought.

So, for months, we went to city hall meetings, wrote letters and filed reports. All the stuff you're supposed to do. We could see it wasn't working. E.L.I.T.E. Homes, the developer, just knew the game better than us and had so much money. We would have like two people show up at meeting and they would have ten lawyers with all the answers. We filed an environmental impact report we could afford to create, and they had a bigger one with experts from all over giving glowing - and false I might add - opinions on how great the development was.

There's high demand for that kind of open space near the lake and to downtown so that the plutocrats can build big homes and live behind their sacred gates. A lot of money is at stake. And quite frankly, most people in the area liked how their property value was going to increase with the new development coming in. So, without any more than a perfunctory approval process, we learned last October, that the city approved the condemnation and the development. E.L.I.T.E. Homes must have known ahead of time they were going to win, because within days of the approval, they broke ground with heavy construction machinery. Seriously, approval came on October 21, like, a Friday afternoon, and the next Monday morning, the 24<sup>th</sup>, they tore down the

monkey bars and pulled up the trees. They didn't even let the time to file an appeal expire. It was hard for us, because we wanted to, like, believe the system was fair and we could work within it. We learned we could not.

RC: What did Moon do?

TR: Yelled a lot. Claimed we were duped. Moon couldn't let it go and told me about driving by the construction site every day on the scooter. Moon was constantly giving me updates on the progress of the construction. I saw photos of the site in Moon's room on November 24, when I was over for Thanksgiving, and I said, "Hey, this is over, friend. We don't have the power or money to fight this anymore. We got to focus on other battles. Stuff we can win." Moon went nuts and said stuff like "They're evil, Teak, and must be blown back to hell where they belong." Some serious stuff.

Moon quoted Vauvenargues, "Vice stirs up war; virtue fights." Something like that. I was getting concerned, because Moon was supposed to be a totally mellow person. The loss seemed to change Moon, like it took the hope out. But, I held out faith that this would fade and Moon would get back to normal.

RC: Did Moon?

TR: No. So, I got worried. In mid-December, the 9th actually, I came into the middle of a conversation between Tyler and Moon about explosives at Moon's house. Voight is always trying to impress people, is very insecure, you know a geek who still lives at home and does math equations for fun. When Tyler first joined Leaf, I was a little put off, but Tyler has become a very passionate member, and really knows a lot. We're very good friends, I would say.

RC: What did you hear them say?

TR: Moon asked Tyler whether it was easy to build a bomb. Tyler answered if you knew what you were doing, it was. Then, Moon asked, and I recall this, "Can't you just blow stuff up with gas?" Tyler said, "Sure, but it should ignite something more combustible if you want it to really explode." I stepped in to change the subject, because I didn't think this needed to be Moon's mind.

RC: Did Moon do anything else along these lines?

TR: I was over to Courtney and Moon's for Christmas Eve and saw a map Moon drew of the site in Moon's bedroom. While it

may not have been the best moment, I asked right out what Moon was planning.

RC: Is this a copy of the map you saw in Moon's room?

TR: Yes. How did you get it?

RC: What did Moon say?

TR: And I quote, "People are going to know Leaf is not to be ignored. Burn, Baby, Burn!"

LG: Did you take that to mean Moon would do something like cause the fire?

TR: No. Well, I didn't really know. I knew the obsession was growing.

LG: What can you say about Courtney Stanwick in all this?

TR: Courtney knows Moon's life better, since they live together at that building 5400 something block of North Volini Drive. You should talk to Courtney about Moon's comings and goings. Moon and I are best friends and have the history, but Courtney and

Moon are real close too. Plus, they share the condo. So, they know more about each other's day to day lives.

I just want to say it wasn't always like this. Leaf has always been and will always be a group of non-violence. We started Leaf to protect the environment through peaceful actions. I would've expected this radical violent crap from Rachel Nedski, not Moon. Something must have just snapped.

LG: How far away is Treasure Homes from Moon's house?

TR: Moon told me it was about 5 minutes on the scooter. Moon told me this a couple of times when Moon was going on and on about the daily trips to the construction site.

LG: Let's talk about your arrest record.

TR: You know all about it. I was arrested some for Leaf work and some with Moon and other Leaf members. I got short jail time for each of the drug busts a few years ago. Yeah, I did some hard time, like, righteous.

LG: Did you start Leaf?

TR: Yeah. Me and Moon about three or so years ago after I got out of jail the last time. It stands for Loving the Environment and Forest. I'm quite proud of how's is grown. People really do care for Mother Earth.

LG: Tell us about New Year's Eve.

TR: Well, I picked-up Voight and we got to Courtney and Moon's house about five-ish. Rachel was already there.

LG: What did you do?

TR: Partied. We all drank some of Moon's homebrewed Leaf Ale and took a couple bong hits.

LQ: I thought you didn't do drugs.

TR: I think there's a big difference between a couple brews and a few hits with some friends and shooting up heroin or snorting coke. I like to have a good time with my friends on New Years Eve. This was just a couple pulls of MJ.

LG: Back to what you were all doing. How much did Moon drink?

TR: I had a pint. Maybe Tyler did. Rachel just got high. The Moon had quite a few it seemed to me.

Anyway, we were listening to some tunes and reflecting on the events of 2005. Of course, we got started on the successes of things like the Valentine's Day demonstration and the failures, like blocking the development of Treasure Homes. Someone said, I think it was Rachel, that we did better when we got physical. I think that's when Moon got on the soap box.

LG: What do you mean?

TR: Moon is a very good speaker and just launched into how Leaf needed to start the new year off with making a statement, "We lost the battle, but not the war," kind of thing.

LG: Did Moon state the New Year needed to start with a bang?

TR: Where would you get that idea?

LG: Did Moon say that?

TR: I don't recall any exact words, but it was something like that. Yes, Moon said, "We need to start the New Year with a bang and burn those devils back to hell." Something like that.

RC: When did the party end?

TR: Voight and I went back to my place for the night about two a.m. To crash. I live over on Morse, Apt. B. It was two. I remember because we made a joke that the good bars were closed and we had to go straight home. Rachel was getting ready about the same time as us, but we left first.

LG: When did you learn about the arson?

TR: Tyler and I saw it during the 7 a.m. morning news show, Happy A.M. Marshall City while eating breakfast at my apartment. So we go over to Courtney's condo right away. The reference to Leaf was upsetting.

LG: How far is your apartment from Courtney's condo?

TR: Oh, like 5 – 7 minutes.

LG: How far is your apartment from Treasure Homes?

TR: Also like 5 - 7 minutes. Courtney's is like near, well the same distance.

LG: What did you see when you got to Courtney's place after you learned of the fire?

TR: It was just starting to really get light that morning. We pull up, see, and we catch the Moon washing the peanut. I, felt goose-bumps. Like, wow, this is too much.

LG: The peanut, that's the scooter?

TR: Yea, how do you know about that?

LG: Why would washing the scooter, excuse me, the Peanut mean anything?

TR: Like, most of the time, Moon never washed it. Kind of joke, really. I could tell Moon was covering something up.

LG: How did you know?

TR: Best friend's intuition. I could just tell. What's Moon doing on New Year's morning at, what 7:30, in near freezing weather, washing down the peanut? Courtney might do something like, you know, not a speck of dust anywhere, take off your shoes before you come in and wash your hands Courtney, but not Moon.

LG: Does Moon have access to containers, cans, of gasoline?

TR: Yes. Moon sometimes carried a gas can roped to the back of the Peanut. Listen, it was funny at the time, but Moon used to siphon gasoline, like with a hose, out of SUVs, into that can, to use for the Peanut. Free fuel from the fuel hogs. I knew Moon used the gas for Courtney's Harley, too, not that Courtney knew. Courtney is always bragging about how many miles to the gallon the Harley gets. That's because Moon is always slipping a gallon here and a gallon there into the Harley without Courtney knowing it. It was funny then, but maybe it seems not so funny now, with everything that's happened – you know, the fire.

LG: Did you see that gas can that morning?

TR: No. No, I did not. I was there for a while, like maybe a half hour and I never saw the gas can. Last time I saw it was maybe a few days before New Years.

LG: What about the siphon?

TR: Like what?

LG: Did you ever see the siphon?

TR: Sure, plenty of times.

LG: Where did you see the siphon?

TR: Well, I saw it in Moon's room sometimes. I know Courtney was always complaining about Moon's room because the rest of the apartment was like an operating room at the hospital, you know, like spotless, and Moon's room wasn't, and Courtney would sometimes get on Moon about cleaning up. The siphon was a bone of, like, contention, because Courtney would complain about Moon bringing a smelly hose in the apartment. It would smell of gasoline. Courtney did not like the smell. Courtney does not like any smells. No garlic, no smelly cooking, no smoking. Maybe incense, like pine or something.

LG: Is this the hose? For the record I am showing the witness a plastic hose about 20 inches long.

TR: That is it. Looks just like it.

LG: This is the hose that was taken during the search of the apartment, Moon's and Stanwick's apartment. See, there is this mark here where the officer made a mark at the time it was seized and inventoried.

TR: Yeah. That was not there before, but that sure looks like the hose. I saw Moon use it a few times, too, to suck gasoline out of a car and into the gas can, then put the gas in the peanut, or sometimes in another bike.

LG: OK. Nothing more at this time. We may ask you in again. The bargain requires your total and ongoing cooperation.

Beiner: So, we're done here. Let's go.

LG: Counsel, we'll get you a transcript. if we need this witness to help gather evidence, we expect cooperation.

Beiner: Call my office with any request and we'll see, Counsel.

I hereby swear this is an accurate transcription of the foregoing, under penalty of perjury under the law.

Date: January 16, 2006

\_\_\_\_\_/s/\_\_\_\_

\_\_\_\_\_

Alice Washington

