

## **Campers Violate ADA Mandates for Safe Sidewalks**

SFPD's weak responses to Nathaniel and Ashley's drug dealing, sidewalk-blocking encampments in the Lombard/Laguna area cause ongoing chaos for neighborhood businesses and residents.

Both Nathaniel and Ashley's activities violate Americans with Disabilities Act (ADA) mandates, as well as laws which address sale and use of illegal narcotics. SFPD's lack of enforcement allows them to continue their dangerous and illegal actions.

Nathaniel and Ashley's recent encampments at or near buildings in the Lombard/Laguna and Lombard/Octavia areas of Lombard St. have blocked sidewalks, created hazardous threats to public health, and forced people who use wheelchairs, crutches or walkers, to bypass or take the long way around them by having to move moving along the edge of the sidewalk bordering Highway 101.

- In this case, ADA's 6 ft. sidewalk clearance limit means nothing when the sidewalk where disabled and elders must pass is full of hazardous materials, waste from crystal meth and fentanyl use.
- Nathaniel and Ashley are dangerous not only because of their tendency toward violence, and illegal substance abuse, but because of the waste they create when they urinate and defecate on the sidewalk and on or in front of the properties where they willfully trespass.
- These situations can cause psychological harm and trauma to those who are disabled and elderly, who must pass Nathaniel and Ashley's camps or who must wait at bus stops where they sometimes camp.
- These two have been on the street for more than two years.
- Since January 2022, illegal activities have expanded throughout the neighborhood.
- Their actions lately have become more obstructive and violent but when residents and businesses call police, there are hours-long waiting times for them to arrive, if they ever do arrive.
- Meanwhile, Ashley and Nathaniel's illegal and dangerous activities continue with tepid police intervention.
- We fear that someone will be seriously hurt or worse if SFPD does not more strongly curtail their illegal, and increasingly dangerous and obstructive activities.

***Blocked Sidewalk at HR Block Associates Building***



*Property trespass and blocked sidewalk at 1799 Lombard St. (HR Block building).  
Garbage and hazardous materials are present.*

**SFPD and other city agencies use Judge Donna Ryu's December 23, 2022 injunction to not act against dangerous and illegal activities.**

SFPD and the city are misinterpreting Judge Donna Ryu's injunction and providing little or no action against unlawful and illegal activities by unhoused people who repeatedly break the law.

The injunction says.

***“ . . . . The relief sought by Plaintiffs will not bar Defendants' efforts to “keep public spaces clean and sanitary” or “allow safe access” to sidewalks and rights-of-way since Plaintiffs do not ask the court to enjoin any ordinances targeting public health nuisances or willfully obstructing streets, sidewalks, or other passageways, as discussed below. Rather, Plaintiffs ask that Defendants be enjoined from enforcing ordinances that punish individuals for “involuntarily sitting, lying, and sleeping in public” and from “seizing and destroying” homeless individuals' unabandoned property in violation of their constitutional rights. . . .” (p. 47 of Dec. 23 Injunction).***

Nathaniel, Ashley, and their associates are allowed to continually violate laws with impunity. They are **voluntarily camping on the street**. They have regularly refused multiple offers of housing and rehab services. They are unhoused by choice. Their moving encampments allow selling, distribution and use of illegal substances. They scream, shout and engage in abusive behavior. They camp in places closest to area service stations on the Lombard/US Highway 101 corridor. The city pays little or no attention, claiming it is powerless to act because of Judge Ryu's ruling.

***In enforcing the law, SFPD would not throw away belongings or criminalize homelessness. They would enforce laws against illegal narcotics possession and use, and protect public health and safety.***

Instead, confused and fearful SFPD and city administrators allow:

- existence of a fragmented, broken system where criminal behavior is not only tolerated but is encouraged or ignored
- suspension of laws that promote neighborhood safety and public health; and support life-threatening conduct;
- residents and business owners to be viewed as troublemakers.

A plea to SFPD: Enforce the laws that protect law abiding citizens and help us keep our neighborhoods safe.

## **Illegal Drug Use, Sales and Abuse Increase at Lombard/Laguna Area**

Illegal drug-dealing and use and a diminishment of public health and safety in the area around Lombard & Laguna and on Chestnut Street between Buchanan, Magnolia and Octavia, substantially increased since Nathaniel Roye and Ashley Buck created moving neighborhood encampments.

Area businesses and residents are regularly exposed to Nathaniel and Ashley's continuous drug dealing and use, threats, blocked sidewalks, and hazardous materials.

Where they go, clients follow. Their encampments are less than a place to sleep and more of an office where business is conducted. They stay near service stations, laundromats or abandoned buildings. Graffiti increases where they camp.

An article in the May Marina Times gives an overview of what businesses and residents must endure 24/7, with little or no substantive or effective responses from SFPD or the city.

A recent example is an encampment that happened between May 21 and May 31. It was at 1799 Lombard St. They spread garbage, needles, feces and other hazardous waste to homes and businesses east of their HR Block building camp.

The police did little more than tap them on the shoulder and ask them to leave. They did not leave.

Meanwhile, neighbors who called 311 and asked that the sidewalk be disinfected were told that SFPD had to move them before DPW could take action.

SFPD has done little to aggressively enforce laws dealing with illegal narcotics sales, and area public health and safety. Patrol cars frequently drive by Nathaniel and Ashley's encampments, even as illegal activities happen. People who live and work in the area know that SFPD will take hours to respond, if at all.

Whoever is responsible for patrolling the area or monitoring Nathaniel and Ashley should move on. The neighborhood needs strong law enforcement and oversight of their activities and it's not happening.

## **Pop-Up Campsites Cause Public Health Hazards**

Imagine a wide swath of pop-up campsites, created by the same people, as areas to deal and use drugs. Imagine the situation getting worse, with SFPD not arresting or moving people who constantly break the law.

All offers of housing and rehab were refused by Nathaniel and Ashley dozens or times over two years and they continue to create dangerous public health and safety hazards throughout the neighborhood.

Everywhere they camp, Nathaniel and Ashley have reportedly:

- Deal and use illegal substances
- Blocked sidewalks and trespassed on private property
- Brought increased drug dealing to the neighborhood
- Created public health and safety hazards

Residents and businesses are left on their own as Ashley, in crystal-meth induced stupors, screams and demands more drugs from Nathaniel. Sidewalks are blocked with garbage. Hazardous waste is not removed. Nothing substantive is done by SFPD or other city agencies to stop the madness.

Over time, Nathaniel and Ashley's pop-up camps have appeared throughout the Marina area, including one in front of Don Carmignani's mother's house on Magnolia Street. Other sites include but are not limited to:

- Sidewalks in front of Chevron and Shell Service Stations at 1790 & 1800 Lombard St.
- The laundromat at Magnolia & Laguna Sts.
- HR Block Associates building, 1799 Lombard St.
- The Marina Inn on Lombard & Octavia Sts.
- Child care centers at 1840 Lombard St. and 3121 Laguna St.
- The private driveway in front 1785 Lombard St., a hair salon and apartment.
- The Grateful Dog at 1769 Lombard St.
- A condominium building on the northeast corner of Lombard & Buchanan sts.
- Walgreen's Drugstore and parking lot at the northwest corner of Divisadero & Lombard, and the #28 and #43 bus stop on the Lombard St. side of the building;
- The sidewalk in front of 1782 Lombard St.

Read the May issue of the Marina Times or view the experience of people who work at The Grateful Dog, at 1769 Lombard, where customers lately are greeted with human feces and needles. KRON-TV 4 news reported this in a June 1st broadcast.

SFPD's monitoring of and action to stop these illegal activities are weak. Meanwhile, a once safe neighborhood declines. This must stop and SFPD can help us stop it.

***Return to HR Block Associates Building: June 6, 2023***

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## 'They all knew'

*Could brutal attack on Don Carmignani have been prevented? Marina neighbors say yes.*

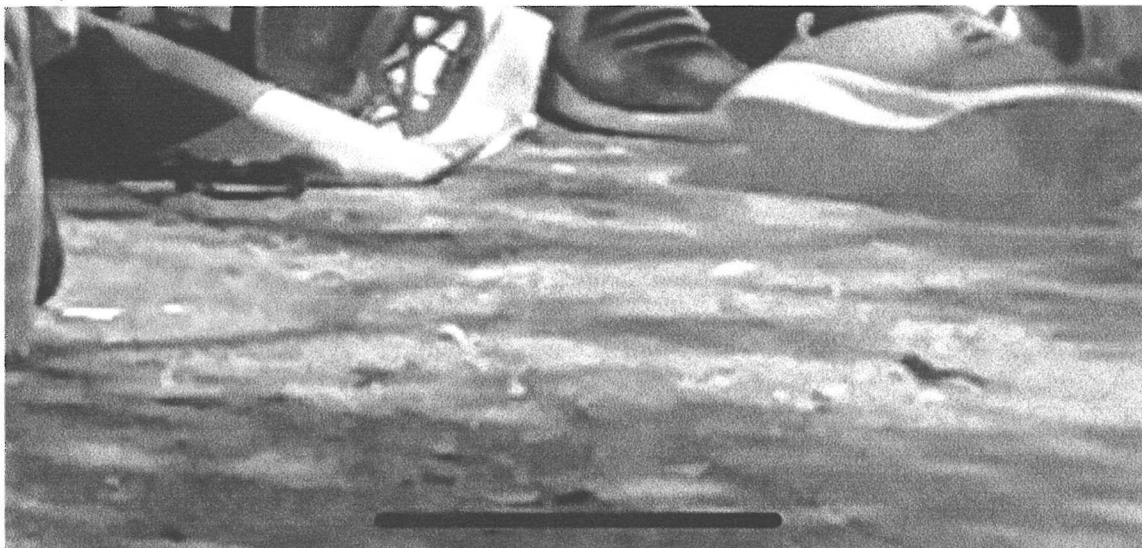


*Nathaniel Roye (left) Garret Doty (right, red cap) buy drugs in the Marina District.*

**by Susan Dyer Reynolds**

**MAY 2023**





Garret Doty is back in the Marina just weeks after a brutal attack on former fire commissioner Don Carmignani.

When images of a transient trio allegedly involved in the brutal, near-fatal beating of former fire commissioner Don Carmignani began circulating on social media, I immediately recognized them. For over two decades I've had a presence in the area, from the *Marina Times* office on Chestnut Street to house sitting for friends. Last year, after putting my car in a garage on Magnolia Street, a man came running at me with a long stick screaming, "I'll kill you, bitch!" Clearly high on drugs, I recognized Nathaniel Roye, a transient who has camped on Magnolia off and on for several years. I managed to shut and lock the door just in time, breathing a sigh of relief as the shadow of Roye's feet paced back and forth outside the garage.

Earlier that week, Roye and his sometimes girlfriend, Ashley Buck, were having sex and smoking meth across from my window around 3 a.m. When I told them to leave, Roye flipped me off and Buck screamed something I can't repeat in this publication. Unsurprisingly, I'm not the only person to deal with them: Marina residents have complained on the Nextdoor app as well as to Northern Station police and District 2 Supervisor Catherine Stefani about Roye and Buck, and a new man who joined their encampment named Garret Doty. The three are belligerent to neighbors and visitors, block sidewalks with their tents, urinate and defecate on the streets, and use drugs to the point of passing out midday; they can often be found sprawled in a pile of trash by the Shell gas station on Lombard and Laguna Streets, or by the Walgreens on Divisadero and Lombard Streets. Multiple residents have witnessed both Doty and Roye "sharpening weapons" — such as the stick Roye came at me with — at both locations.

As if their behavior isn't despicable enough, Roye and Buck not only use drugs in front of Marina Middle School, but Buck has performed oral sex on Roye near a preschool as children walked by. Another woman wrote that Roye "exposed his genitals while chasing her." All of these offenses would result in arrests in most Bay Area cities, but not in "tolerant and compassionate San Francisco," where drug tourists are greeted by city officials with cheap talk and zero action.

A North Carolina resident, Roye, 26, has a criminal record dating back to his 2019 arrival in San Francisco that includes possession of drugs and paraphernalia, vandalism, threats of violence, exhibiting a deadly weapon, and assault with a deadly weapon. Most of Roye's cases occurred in 2022 and were dismissed. He currently has one court date scheduled for July 25, 2023.



Roye's gal pal Buck, 34, has been arrested for giving false information to a peace officer, resisting arrest, burglary, and grand theft. Primarily known as a serial shoplifter, a felony charge was dismissed July 11, 2022 "in the interest of justice."

Garret Allen Doty, 24, is a resident of Louisiana, where, in 2018 at age 20, he was arrested for strangling his girlfriend during a domestic battery. Doty didn't have a record in the city — until the night of April 5, 2023.

### **'HE WAS BEING DISRESPECTFUL'**

After yet another morning with Doty, Buck and Roye outside the entryway of her house on Magnolia Street, Joan Carmignani joined her son, Don, on a 911 call to report the encampment, stating that Joan didn't feel safe leaving her home after past encounters, including threats of violence toward her family. Neither the San Francisco Police Department nor homeless services responded, despite the Carmignanis reporting the trio had been openly consuming drugs and exhibiting "extremely aggressive behavior to passersby."

Later that evening, Don returned to his mother's home and asked the trio to leave, at which point he says Doty and Roye approached him "in a threatening manner." Video shows Carmignani pulling out what appears to be a can of mace and point it in Doty's direction as Doty backs away. A subsequent video captures Doty calmly rooting through a recycling bin, where he finds two metal pipes and methodically puts them together, taking practice swings in the air. He returns to Carmignani and begins beating him about the head and face. As Carmignani retreats, Doty continues bashing him, chasing him all the way to the Shell Station, where witnesses reported seeing Carmignani staggering, covered in blood. He was rushed to the hospital with a broken jaw, lacerations requiring 50 stitches, and a piece of his skull was removed to relieve swelling on the brain. Police arrested Doty, and District Attorney Brooke Jenkins charged him with assault with a deadly weapon, aggravated battery with serious bodily injury, and assault with force likely to produce great bodily injury.

While Doty remained in jail, Roye and Buck returned to the scene of the crime, again camping in front of Joan Carmignani's house. In an interview with ABC7 news reporter Lyann Melendez, an unphased Roye tells her that witnesses inaccurately described Doty's weapon as a crowbar when it was actually "two round pieces of metal that had been broken." Roye admits on camera that he was with Doty, claiming they were sprayed with mace because Carmignani didn't like them hanging out near his home. The evidence, however, doesn't corroborate Roye's story: in the video of Doty putting together the metal pipes and taking practice swings, he is not in any physical distress, and Carmignani says he "accidentally sprayed himself" with the mace.

After Roye tells his version of the evening, Melendez asks why they would brutally attack Carmignani. "Because he was being disrespectful," Roye says glibly. Melendez asks, "Who was being disrespectful? Don?" to which Roye responds, "The fat guy. There was a big old bald guy. Yeah, Don." Melendez asks if that was reason enough to beat someone up. "Yeah, sometimes," Roye says.

Three days after the attack, video emerged of Buck in front of the gas station screaming at Roye about wanting crystal meth and

putting him on “dick payment.” On April 11 — not even one full week after the attack — neighbors report that Roye “threw rocks at multiple mothers with children in strollers.” Apparently, he has a thing about strollers: on April 27, according to several residents, Roye was arrested for once again throwing rocks at a mother with a child in a stroller but had “already been released and was back in the Marina.”

### **'WE HAVE BEEN SOUNDING THE ALARM'**

Friday, April 7, Supervisor Stefani released a statement about the attack, putting blame on inadequate police staffing. “As I pray for Don, his family, and his recovery, I want to be very clear: we cannot tolerate this kind of criminal activity,” Stefani wrote. But Marina residents told me Stefani and Northern Station Captain Derrick Jackson had been warned about the trio. In an email to Stefani and Jackson sent just six weeks before the attack on Carmignani, a concerned neighbor wrote, “This guy and his friend just sold Nate narcotics at Lombard at Laguna. I witnessed it ... I got a few photos. You can see the pill bottle. Nate had his hand out with cash as the man poured contents from pill container ... I was 8 feet away ... guy in red hat [Doty] attempted to block my camera. Do NOT anymore tell me narcotics are not being dealt on the streets in Marina, I just saw it. And the sidewalk is blocked by this crew.”

Three weeks prior, the same resident wrote to Stefani about Buck. “How does San Francisco help humans who deny help but clearly need help? Supervisor Stefani, is there a woman’s homeless group that could help? ... She just denied help again. She could be in a shelter right now at 9 p.m. Instead, she is in 45 degree weather, in the dark, in blood-soaked white pants, crying for Nate, staring at the concrete ... ”

According to the resident, nothing was done.

“They know all about this. Don’t let them pretend they didn’t know this was escalating. We have been sounding the alarm,” they told me. And that wasn’t the only message I got from people whose frightening encounters with the trio spurred them to write or speak to Stefani and Jackson. Many feel tolerating quality of life crimes (open-air drugs; public sex acts, urination and defecation, vandalism, blocking sidewalks) brings transients from other states and leads to more serious and violent crimes like the Carmignani attack. Former District Attorney Chesa Boudin refused to prosecute such crimes, so I reached out to current District Attorney Jenkins to ask if her administration will. “Since taking office, I have been working to improve public safety in partnership with the San Francisco Police Department and other city agencies,” Jenkins said in an emailed statement. “The previous administration’s failure to prioritize public safety and our residents’ concerns resulted in an untenable situation for our neighborhoods. I am fighting for our neighborhoods and doing everything I can to hold repeat and violent offenders accountable, while also addressing open-air drug dealing, property crime and quality of life offenses that had been ignored for far too long.”

### **ASSISTANT DA SAID CASE WOULD BE DISMISSED**

On Thursday, April 27, Superior Court Judge Loretta Giorgi released Doty from jail after Carmignani didn’t testify in court twice

in as many days. Giorgi put “minimal restrictions” on the pipe-wielding transient, including staying away from Magnolia Street. Jenkins gave a statement about the case, which read in part, “Mr. Carmignani has not provided an interview to the San Francisco Police Department on this case despite multiple requests for an interview. We are in discussions with Mr. Carmignani’s attorneys to see if he can come to court tomorrow. We are hopeful that he is available to testify in open court, as he has now given an on-camera media interview about the attack from his recollection.”

Earlier that week, rumors began circulating that Jenkins planned to dismiss the case because of Carmignani’s lack of cooperation, but his lawyer told me via email that wasn’t true. “We have been trying to get in contact with the DA and SFPD for a couple weeks to determine if they would need Don to testify. We did not hear back definitively. Then yesterday, the ADA assigned to the case emailed me, saying they would be dismissing the charges. Then, last night a different ADA called me to tell me that they would actually be going forward with the hearing. I came to court today and for the first time, the DA’s office provided a subpoena for Don’s testimony tomorrow. Long story short, no one ever asked for Don’s statement or testimony until today. In fact, we had previously been informed in writing that the charges would be dropped.”

In a message obtained by the *Marina Times* and addressed to Carmignani’s lawyer, dated Tuesday April 25, 2023, and time stamped 1:49 p.m., Assistant District Attorney Anupa George says, “I just left you a voicemail ... As you know the preliminary hearing is scheduled for tomorrow. I will be moving to dismiss the case based on new evidence that I received. I left some details for you in the message. But please feel free to call me if you would like to discuss.”

That “new evidence” came from Doty’s public defender, Kleigh Hathaway, who claimed San Francisco police filed eight reports about a man “matching Carmignani’s description” spraying homeless people with bear mace in separate incidents over a two-year period between Nov. 2021 to Jan. 2023. Those weren’t, however, the only cases: as recently as April 23, 2023 — a little more than two weeks after Carmignani’s brutal attack — a homeless person was sprayed with a “caustic chemical” at Chestnut and Steiner Streets. Carmignani’s attorney said there is no evidence linking his client to any of the reports, which Jenkins said contain “only allegations.” Police also didn’t arrest Carmignani for any of the incidents.

## **VICTIM BLAMING**

Hathaway clearly expected the case against Doty to be dismissed, and she was furious when it wasn’t. After both hearings she spoke at length to the press, accusing Carmignani of “terrorizing homeless people” — she didn’t make those unsubstantiated claims in court before the judge, of course. (You can view video of Hathaway’s rants on the San Francisco Public Safety News website [here](#)).

So why wasn’t the case dismissed after Assistant D.A. George indicated to Carmignani’s lawyer that it would be? Likely because of the public outrage generated when the rumors hit social media and the local news, with Carmignani granting his first on-camera interview to reporter Betty Yu of KPIX. Carmignani told Yu the District Attorney’s Office alerted his lawyer that they

would be moving to dismiss the case based on videos of a man resembling him using bear spray on homeless people. Carmignani denied he is the person in the video and said the decision to dismiss the case came as a surprise. He also told Yu that he is still healing from his severe injuries, and that his doctor told him had Doty hit him in a particular spot one more time, he would have died. "When I was running away, the impact hit my skull," Carmignani said, pointing. "They cracked my jaw from here all the way down and they put a plate in from here all the way to here."

In her temper tantrum outside the courtroom, Hathaway showed zero sympathy for Carmignani's pain and suffering, saying instead that he was the aggressor and her client acted in self-defense. But California law doesn't back her up, stating that the right to self-defense or defense of another means the defendant used "no more force than was reasonably necessary to defend against that danger" and that "belief in future harm is not sufficient, no matter how great or how likely the harm is believed to be." Hathaway's client, Doty, nearly bludgeoned Carmignani to death, continuing to chase and beat him even as he fled several blocks.

Meanwhile, Marina residents continue to live in fear of Doty, Roye and Buck. One resident told me that she once engaged with Roye, asking him directly whether or not he did drugs. "Yes," Roye responded, intrigued. "What kind?" she asked. Roye smiled, "Speed." She asked him where he bought it, and Roye told her "from the hotels on Lombard." She asked if he ever got it from the "white van parked for nine months with no tickets at Bay and Buchanan," to which Roye responded, "Yea, sometimes." And there it was — drugs being sold from a "bike chop shop" van at Moscone Park within 1,000 feet of Marina Middle School, and, according to the resident, the Department of Parking and Traffic "wouldn't ticket the vehicle."

Every Marina neighbor I spoke to had stories like that, and those in other neighborhoods have their own Royes, Dotys, and Bucks making their lives a living hell. The bottom line is that San Francisco residents are being held hostage by transients with violent criminal records who come from other counties and states where their behavior isn't tolerated. People are sick of politicians, police, and lawyers telling them to "deal with" tents, garbage, and human waste; aggressive addicts chasing them with weapons; and sex acts and drug use near their homes and their children's schools. They're frustrated and tired of being told transients have more rights than they do because San Francisco is "compassionate."

As a Bay Area native, I spent much of my childhood with family in San Francisco and I lived in the City full time for over three decades. I now live both in San Francisco and in the Silicon Valley, and I can say from personal experience that hardcore "quality of life crimes" are not tolerated elsewhere. By continuing to put the rights of violent drifters like Roye and Doty above the well-being of law-abiding citizens, San Francisco has declared open season — on itself.

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