

SEP 24 2013

Sherri R. Carter, Executive Officer/Clerk

By Marisela Fregoso, Deputy

FOR THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN THE COUNTY OF LOS ANGELES (CENTRAL DISTRICT)

PEOPLE OF THE STATE OF CALIFORNIA;

Plaintiff,

vs.

BIG TOP LOCOS aka BIG TOP aka BTLS;

CRAZYS aka CYS aka MAYBERRY aka MB;

DIAMOND STREET LOCOS aka
DIAMOND STREET aka DST;

ECHO PARK LOCOS aka ECHO PARK
aka ECHO PARQUE aka ExP aka EP;

FROGTOWN RIFA aka FROGTOWN aka FTR;

HEAD HUNTERS aka HHS;

each of the above defendants is a criminal
street gang sued as an unincorporated association;

DOES 1 through 300, inclusive, as individuals; and

DOES 301 through 310, inclusive, each as an
unincorporated association or other entity,
form presently unknown;

Defendants.

) Case No.: BC511444
) (Unlimited Civil Case)

) Assigned for all purposes to the
) Honorable Abraham Khan (Dep't 51)

) ~~Proposed~~
) Judgment Granting
) Permanent Injunction

) Date: [No Hearing Required]

) Time:

) Place: Dep't 51
Stanley Mosk Courthouse
111 North Hill Street
Los Angeles, CA 90012

) Trial Date: No Trial Set

) Case Filed: June 11, 2013

On June 11, 2013, Plaintiff, People of the State of California, filed a complaint against six
entity defendants, each of which is a criminal street gang sued as an unincorporated association,

1 (1) Big Top Locos aka Big Top aka BTLs (“BTLs”), (2) Crazy’s aka CYS aka Mayberry aka MB
2 (“CYS”), (3) Diamond Street Locos aka Diamond Street aka DST (“DST”), (4) Echo Park Locos aka
3 Echo Park aka Echo Parque aka ExP aka EP (“ExP”), (5) Frogtown Rifa aka Frogtown aka FTR
4 (“FTR”); and (6) Head Hunters aka HHS (“HHS”), (referred to collectively, at times, as the
5 “Defendant Gangs”), seeking to abate a public nuisance through the use of what is commonly known
6 as a “gang injunction” in a “Safety Zone,” located in the City of Los Angeles, in the County of Los
7 Angeles, in the State of California, starting where 1st Street exits west from under the
8 Harbor/Pasadena (110) Freeway, west to the “First Street Bridge,” west on Beverly Boulevard, north
9 on North Coronado Street, east on West Temple Street, north again on North Coronado Street, west
10 on West Sunset Boulevard, north and east on Silver Lake Boulevard, east on Duane Street, north on
11 the Glendale (2) Freeway, east and south along the south bank of the Los Angeles River to where the
12 river crosses under Interstate 5, north along Interstate 5 to where Riverside Drive crosses under
13 Interstate 5, west on Riverside Drive to Stadium Way, south on Stadium Way, continuing straight in
14 the direction of Stadium Way as it passes Chavez Ravine Place to the 110 Freeway, and south along
15 the 110 Freeway to the starting point at 1st Street and the 110 Freeway, but not including the
16 roadbeds of any of the Glendale (2) Freeway, Interstate 5, or the 101 or 110 Freeways. On plaintiff’s
17 request, default was duly entered against each of the defendant gangs on September 6, 2013.

18 Plaintiff voluntarily dismissed without prejudice as unserved all fictitious “Doe” defendants.

19 After due consideration of all papers filed in this action, including the declarations, other
20 evidence submitted, plaintiff’s memorandum of points and authorities including *People v. Acuna*
21 (1997) 14 Cal. 4th 1090, *cert. denied*, 521 U.S. 1121; *People v. Acuna* (2010) 182 Cal. App. 4th 866;
22 *People v. Colonia Chiques* (2007) 156 Cal. App. 4th 31; *People v. Englebrecht* (2001) 88 Cal. App.
23 4th 1236; *In re Englebrecht* (1998) 67 Cal. App. 4th 486, and other argument of counsel, this Court
24 finds by clear and convincing evidence that service is proper under the circumstances, and makes the
25 following additional findings of fact: (a) that each of the Defendant Gangs is a criminal street gang
26 as defined in Penal Code section 186.22 (the Street Terrorism Enforcement and Prevention “STEP”
27 Act); (b) that each of the Defendant Gangs is a gang as defined for the purpose of a gang abatement
28 injunction in *People v. Englebrecht* (2001) 88 Cal. App. 4th 1236, 1258, (c) that each of the

1 Defendant Gangs is an “unincorporated association” as defined in Code of Civil Procedure section
2 369.5; (d) that a public nuisance caused by the conduct and activities of the Defendant Gangs exists
3 in the Safety Zone, and (e) that the conduct and activities of each of the Defendant Gangs, the
4 members of each Defendant Gang, and those persons through whom each of the Defendant Gangs
5 act, are a cause of the public nuisance that exists in the Safety Zone; and good cause appearing for
6 entry of judgment,

7 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that:

8 1. Each of Defendants BTLs, CYS, DST, ExP, FTR, and HHS, and any active member¹
9 of any Defendant Gang who participates in or acts in concert² with any Defendant Gang, are enjoined
10 and restrained from engaging in or performing, directly or indirectly, any of the following activities
11 in the Safety Zone:

12 a. **Do Not Associate:** Standing, sitting, walking, driving, gathering, or appearing,
13 anywhere in public view, in a public place, or any place accessible to the public, with any other
14

15
16 ¹ For the purpose of this injunction, the following factors may be used to determine whether an
17 individual is an “active member” of a Defendant Gang: (1) whether the person admits to being a
18 member of a Defendant Gang, (2) whether the person has tattoos that are associated with a
19 Defendant Gang, (3) whether the person has been arrested while participating with active members
20 of a Defendant Gang, or (4) whether a reliable informant provides information that the person is an
21 active member of a Defendant Gang. Clothing, accessories, photographs and close association with
22 known gang members may also be relevant to whether a person is an active gang member, but these
23 factors alone are insufficient to validate a subject as an “active member” of a Defendant Gang for
24 purposes of this injunction. “Part time” and “weekend” gang members can be an “active member” for
25 the purpose of this injunction if they otherwise satisfy the above criteria. A person need not devote a
26 majority of his or her time to gang activities to be an “active member.”

27 ² For the purpose of this injunction, the participation or acting in concert must be more than
28 nominal, passive, inactive or purely technical.

1 known member of a Defendant Gang. This prohibition shall not apply in any of the following
2 situations: (1) when an enjoined person is inside the premises of a licensed school attending class or
3 conducting school business, or (2) when an enjoined person is inside the premises of a church or
4 religious institution for purposes of worship, or (3) when an enjoined person is inside a place where
5 he/she is lawfully employed and is engaged in a lawful business, trade, profession, or occupation
6 which requires such presence. This prohibition against associating shall apply to all methods of travel
7 to and from any of the aforementioned permissible locations. For the purpose of this provision, and
8 every provision where it is mentioned, public place is defined as any place to which the public has
9 access, including but not limited to sidewalks, alleys, streets, highways, parks, hospitals, office
10 buildings, transport facilities, businesses, and the common areas of schools;

11 **b. Do Not Associate in Common Areas:** Standing, sitting, walking, driving, gathering,
12 or appearing, with any other known member of any Defendant Gang, in a common area, courtyard,
13 or carport of any apartment complex, condominium, or townhome;

14 **c. No Intimidation:** In any manner confronting, intimidating, annoying, harassing,
15 threatening, challenging, provoking, assaulting and/or battering any residents, patrons of, or visitors
16 to, the Safety Zone, or any other persons who are known to have complained about gang activities of
17 any Defendant Gang, including any persons who have provided information in support of the
18 Complaint and requests for injunctive relief in this action;

19 **d. No Firearms, Imitation Firearms, Ammunition, Dangerous or Illegal Weapons:**
20 Possessing any firearm, imitation firearm, ammunition, fixed or folding knife, box cutter, ice pick, or
21 other illegal weapon, whether or not concealed, while in public view, in a public place, or any place
22 accessible to the public;

23 **e. No Trespassing:** Being present in or on the property of another person that is not
24 open to the general public, except (1) with the prior written consent of the owner, owner's agent, or
25 person in lawful possession of the property, or (2) in the presence of and with the voluntary consent
26 of the owner, owner's agent, or person in lawful possession of the property;

27 **f. No Graffiti or Vandalism Tools:** (a) Damaging, defacing, marking, painting, or
28 otherwise applying graffiti, to any public or private property, or (b) possessing any aerosol paint

1 container, felt tip marker, paint marker, spray paint tip, slap tag, or other item which can be used to
2 paint, spray paint, etch, mark, draw, or otherwise apply graffiti;

3 g. **No Drugs:** (a) Selling, transporting, possessing, or using any controlled substance
4 without a prescription, or (b) selling, transporting, possessing, or using marijuana without a
5 prescription, a physician's recommendation letter, or a medical marijuana card; and

6 h. **No Alcohol in Public:** Drinking or possessing an open container of an alcoholic
7 beverage in public view, in a public place, or any place accessible to the public, except when on
8 licensed premises where alcohol consumption is authorized;

9 2. **Hardship Exemption.** Any member of any Defendant Gang may receive a specific
10 exemption from portions of the "Do Not Associate" and/or "Do Not Associate In Common Areas"
11 provisions, pursuant to the following process:

12 a. A written request for such exemption is to be made to the Los Angeles City
13 Attorney's Office, c/o Gang Division Re: Hardship Exemption, 200 North Main Street, 966 City Hall
14 East, Los Angeles, CA 90012;

15 b. The request must be specific in that it must request permission to associate with only
16 individual(s) identified by name and date of birth, at specific times and in specific locations, when
17 such association is reasonably necessary for some legitimate purpose. The legitimate purpose must
18 be articulated in the request;

19 c. If such request is made and not granted within ten (10) days after it is delivered or
20 fifteen (15) days after it is mailed, the enjoined party may apply to this Court for such an exemption
21 by noticed motion; and

22 d. If such request is granted, written proof of the Hardship Exemption must be carried by
23 the enjoined party and shall be presented to any peace officer upon request;

24 3. **Opt-Out Provision,** Any member of any Defendant Gang or any person who has
25 been served with this Injunction (hereinafter "Served Person") may move this Court under this Opt-
26 Out Provision for an order that the Served Person is not subject to the Injunction. Plaintiff agrees not
27 to object to Served Person's motion for such an Order, so long as the Order is to be without prejudice
28 and shall not operate as a retraxit in any other action, with each side bearing its own costs and fees,

1 and Served Person's motion satisfies each of the following requirements:

2 a. **Proper Notice:** A motion under this Opt-Out Provision shall be made on proper
3 notice, properly served on Plaintiff's counsel, and shall not be made on shortened time;

4 b. **No Longer or Never a Gang Member:** Served Person must truthfully declare, under
5 penalty of perjury, that he/she is no longer, or never was, a member of any Defendant Gang;

6 c. **Proof Required:** Served Person must truthfully declare, under penalty of perjury, that
7 for the continuous period of three (3) years preceding the date of Served Person's motion, with the
8 starting date being no earlier than the date of entry of a permanent judgment, and excluding any time
9 spent incarcerated, any time on supervised release (parole or probation), and/or any time spent
10 outside the country after having been deported, all of the following are and have been true:

11 i. Served Person has not claimed membership in any gang;

12 ii. Served Person has not been documented by law enforcement associating with any
13 known, active members of any Defendant Gang, other than immediate family members;

14 iii. Served Person has not been arrested for any felony or misdemeanor crime;

15 iv. Served Person has not obtained any new gang-related tattoos; and

16 v. Served Person, for a period of one year prior to the date of Served Person's motion,
17 has been (a) consistently and gainfully employed or (b) enrolled in and attending school;

18 d. **No Effect in Other Proceedings:** Plaintiff shall not be bound by the criteria of this
19 Opt-Out Provision in any action, civil or criminal, other than a motion brought under this Provision
20 in this action;

21 e. **Judgment Not Admissible:** This Opt-Out Provision and any orders from it shall not
22 be admissible in any civil or criminal action, and cannot be used for or against Served Person for any
23 purpose whatsoever, other than in a civil or criminal contempt proceeding brought for a violation of
24 this Order; and

25 f. **Dismissed Served Person Committing New Violation:** If subsequent to successfully
26 obtaining an order granting a motion brought under this Opt-Out provision, Served Person violates
27 any of subsections (i) through (iv) of 3(c) above (by claiming membership in a gang, associating with
28 known gang members other than immediate family, being arrested for any felony or misdemeanor

1 crime, or obtaining any gang-related tattoos), then Served Person may be re-served with whatever
2 Injunction may be in effect at that time and will be required to comply with its terms and conditions;

3 4. **Non Gang Members & Former Gang Members Not Enjoined** No person shall be
4 subject to this Injunction if they never were or are no longer an "active member of a Defendant Gang
5 who participates in or acts in concert with a Defendant Gang";

6 5. **Injunction Not Effective Outside the Safety Zone** No person shall be subject to this
7 Injunction when they are not inside the Safety Zone, not to preclude civil or criminal proceedings
8 outside the Safety Zone for activities that occurred inside the Safety Zone;

9 6. **Personal Service Required** This Injunction shall only be enforceable after personal
10 service of this Judgment Granting Permanent Injunction on an individual subject thereto, *i.e.*, an
11 "active member of a Defendant Gang who participates in or acts in concert with a Defendant Gang";

12 7. **5-Year "Burn Off"** The provisions of this Judgment shall only be enforceable for a
13 period of five (5) years after each such personal service, not to preclude re-service and a new five-
14 year period, for any person who remains an "active member of a Defendant Gang who participates in
15 or acts in concert with a Defendant Gang"; and

16 8. **Costs:** Plaintiff waived costs. Every party shall bear their own costs in this action.

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18 SEP 24 2013

ABRAHAM KHAN

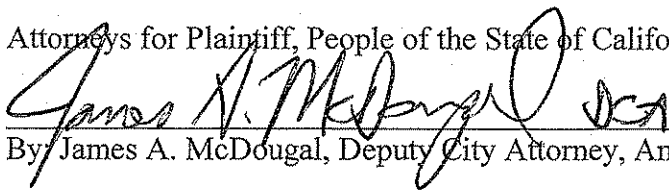
19 DATED: _____

20 Judge of the Superior Court

21 Respectfully submitted on September 18, 2013, by:

22 MICHAEL N. FEUER, Los Angeles City Attorney (111529)
23 MC Molitor, Chief, Safe Neighborhoods & Gang Division (82404)
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26 Attorneys for Plaintiff, People of the State of California

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28 By James A. McDougal, Deputy City Attorney, Anti-Gang Section