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Superior Court of California
County of Los Angeles

JUL 11 2011

John A. Clarke, Executive Officer/Clerk
By ATY WILSON, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

PEOPLE OF THE STATE OF CALIFORNIA,
ex rel. Carmen A. Trutanich, as the
City Attorney for the City of Los Angeles,

Plaintiff,

vs.

RANCHO SAN PEDRO (aka RSP, aka The Ranch,
aka Rancho, aka Rancheros), a criminal street gang
sued as an unincorporated association; and DOES 1
through 300, inclusive,

Defendants.

Case No.: BC460412
(Unlimited civil case)

~~PROPOSED~~
JUDGMENT GRANTING
PERMANENT INJUNCTION
AFTER DEFAULT AGAINST
DEFENDANT RANCHO SAN PEDRO

Assigned for all purposes to the
Honorable Susan Bryant-Deason, Dept. 52

Case Filed: April 27, 2011
Trial Date: Not Yet Set

Plaintiff, the People of the State of California, *ex rel.* Carmen A. Trutanich as the City Attorney for the City of Los Angeles (“the People”), applied for a permanent judgment after default against Defendant Rancho San Pedro, to abate a public nuisance in a proposed San Pedro Safety Zone (hereinafter “Safety Zone,” depicted in Exhibit 1), located in the City of Los Angeles, County of Los Angeles, and bounded by Westmont Drive on the north, following in a southerly direction along Western Avenue on the west, following in an easterly direction along the coastline on the south, following in a northerly direction along the Los Angeles Main Channel (“the seaports”) on the east until the seaports approximately meet at John S. Gibson Boulevard, following north along John S. Gibson Boulevard until it approximately meets Westmont Drive, and extending 100 yards to the outside of each of these boundaries, caused by Defendant Rancho San Pedro criminal street gang and its members

1 including, but not limited to, Jessie Acosta, Jr. (“Chino”), Joseph Acosta (“Slick”), Jorge Aguirre
2 (“Sharkey”/“Triplet”), Kenneth Austin, Jr. (“Choppers”), Rene Balanzar (“Negro”), Edward Benavidez
3 (“Tank”), Justin Bonilla (“Twin”/“Nasty”), Ruben Canales (“Toker”), Anthony Castron (“Drifter”),
4 Moises Escalante (aka Moses Escalante) (“Moi”/“Playboy”), Anthony Flores (“Ant”/“Silly”/“Psych”),
5 Carlos Gamboa (“Scrappy”), Rudy Godoy, Jr. (“Flaco”), Joshua Hack (“Silent”), Richard Hansen, Jr.
6 (“Boner”), Tomas Hernandez (“Tommy”), Luis Lopez (“Little Striker”), Angel Mandac (“Big Striker”),
7 Alfredo Martinez (“Fat Boy”), Salvador Merced, Robert Messersmith, Jr. (“Robby”/“Big Rob”), Ruben
8 Montijo, Jr. (“Shady”/“Mouse”), Freddy Moreno (“Evil”/“Bones”), Marcos Moreno (“Rhino”), Salvador
9 Perez, Jr. (“Baby Sal”), Robert Ministerio Ramos (“Bambino”/“Chino”), Jose Roa (“Topo”/“Osito”),
10 Steven Rodriguez (“Dracky”), Jenaro Salceda (“Stax”/“Stacks”), Jesus Samaniego (“Molo”/“Larof”),
11 Eduardo Sandoval (aka Eduardo Hernandez) (“Tiny”/“Shrek”), Nelson Seda, Jr. (“Nanas”), Christopher
12 Solorio, Jose Tizoc (“Turk”/“Silent”), Rudy Trejo (“Lil Gunner”), Silas Trujillo (“Five X”/“5X”), Luis
13 Villela (“Downer”/“Lil Huero”), Ulises Villela-Carrillo (“Dopey”/“DBoy”), and Daniel Zaragosa
14 (“Danny Boy”) (known as “Designated RSP Gang Members”), and all persons acting under, in concert
15 with, for the benefit of, at the direction of, or in association with them or any of them.

16 After consideration of all documents filed by the People in this action, including plaintiff’s
17 memorandum of points and authorities and attached exhibits, and consideration of the precedent of
18 *People ex rel. Gallo v. Acuna* (1997) 14 Cal.4th 1090, *cert. denied* (1997) 521 U.S. 1121; *People v.*
19 *Colonia Chiques* (2007) 156 Cal.App.4th 31; *People v. Englebrecht* (2001) 88 Cal.App.4th 1236; *In re*
20 *Englebrecht* (1998) 67 Cal.App.4th 486; *People v. Acuna* (2010) 182 Cal.App.4th 866, and other
21 evidence submitted, this Court makes the following findings, by clear and convincing evidence:

- 22 1. Defendant Rancho San Pedro is a “gang” as defined for the purposes of a gang abatement
23 injunction in *Englebrecht, supra*, 88 Cal.App.4th at 1258;
- 24 2. Defendant Rancho San Pedro is a “criminal street gang” as defined in Penal Code section
25 186.22, subdivision (f) (Street Terrorism and Prevention Act);
- 26 3. A public nuisance, pursuant to Civil Code sections 3479 and 3480, which a gang
27 injunction may properly abate, exists in the San Pedro Safety Zone; and
- 28 4. The behavior of Defendant Rancho San Pedro, acting through its members, and all

1 persons acting under, in concert with, for the benefit of, at the direction of, or in
2 association with them, individually and collectively, constitute a public nuisance pursuant
3 to Civil Code sections 3479 and 3480;

4 **GOOD CAUSE HAVING BEEN SHOWN, IT IS HEREBY ORDERED:**

5 1. That within the area which is bounded by Westmont Drive on the north, following in a
6 southerly direction along Western Avenue on the west, following in an easterly direction along the
7 coastline on the south, following in a northerly direction along the Los Angeles Main Channel (“the
8 seaports”) on the east until the seaports approximately meet at John S. Gibson Boulevard, following
9 north along John S. Gibson Boulevard until it approximately meets Westmont Drive, and extending 100
10 yards to the outside of each of these boundaries (hereinafter the “Safety Zone” and depicted in Exhibit
11 1), **Defendant Rancho San Pedro**, acting through its members including, but not limited to, Jessie
12 Acosta, Jr. (“Chino”), Joseph Acosta (“Slick”), Jorge Aguirre (“Sharkey”/“Triplet”), Kenneth Austin, Jr.
13 (“Choppers”), Rene Balanzar (“Negro”), Edward Benavidez (“Tank”), Justin Bonilla (“Twin”/“Nasty”),
14 Ruben Canales (“Toker”), Anthony Castron (“Drifter”), Moises Escalante (aka Moses Escalante)
15 (“Moi”/“Playboy”), Anthony Flores (“Ant”/“Silly”/“Psych”), Carlos Gamboa (“Scrappy”), Rudy
16 Godoy, Jr. (“Flaco”), Joshua Hack (“Silent”), Richard Hansen, Jr. (“Boner”), Tomas Hernandez
17 (“Tommy”), Luis Lopez (“Little Striker”), Angel Mandac (“Big Striker”), Alfredo Martinez (“Fat
18 Boy”), Salvador Merced, Robert Messersmith, Jr. (“Robby”/“Big Rob”), Ruben Montijo, Jr.
19 (“Shady”/“Mouse”), Freddy Moreno (“Evil”/“Bones”), Marcos Moreno (“Rhino”), Salvador Perez, Jr.
20 (“Baby Sal”), Robert Ministerio Ramos (“Bambino”/“Chino”), Jose Roa (“Topo”/“Osito”), Steven
21 Rodriguez (“Dracky”), Jenaro Salceda (“Stax”/“Stacks”), Jesus Samaniego (“Molo”/“Larof”), Eduardo
22 Sandoval (aka Eduardo Hernandez) (“Tiny”/“Shrek”), Nelson Seda, Jr. (“Nanas”), Christopher Solorio,
23 Jose Tizoc (“Turk”/“Silent”), Rudy Trejo (“Lil Gunner”), Silas Trujillo (“Five X”/“5X”), Luis Villela
24 (“Downer”/“Lil Huero”), Ulises Villela-Carrillo (“Dopey”/“DBoy”), and Daniel Zaragosa (“Danny
25 Boy”) (known as “Designated RSP Gang Members”) and all persons acting under, in concert with, for
26 the benefit of, at the direction of, or in association with them or any of them, are enjoined and restrained
27 from engaging in or performing, directly or indirectly, any of the following activities:

28 a. **Do Not Associate:** Standing, sitting, walking, driving, gathering or appearing

1 anywhere in public view, in a public place or in any place accessible to the public, with any other known
2 member of Defendant RANCHO SAN PEDRO, including, but not limited to, all individuals listed as
3 “Designated RSP Gang Members.” This prohibition shall not apply in either of the following situations:
4 (1) when an enjoined person is inside the premises of a licensed school attending class or conducting
5 school business, or (2) when an enjoined person is inside the premises of a church or religious institution
6 for purposes of worship, and/or (3) when an enjoined person is actively engaged in some lawful
7 business, trade, profession, or occupation which requires such presence. This prohibition against
8 associating shall apply to all methods of travel to and from any of the aforementioned permissible
9 locations. For purposes of this Order, “public place” means any place open to the general public or a
10 substantial group of the general public, including, but not limited to, hospitals, transport facilities, and
11 parks. For purposes of this Order, “accessible to the public” means any place to which the general
12 public or a substantial group of the general public has access, including, but not limited to, sidewalks,
13 alleys, streets, parks, driveways, walkways, common areas of apartment buildings, parking lots, stores
14 and shops;

15 b. **No Intimidation:** Confronting, intimidating, annoying, harassing, threatening,
16 challenging, provoking, assaulting, or battering any individual who lives in, works in, visits or passes
17 through the Safety Zone, or any individual known to be a witness to, or victim of, any gang activity
18 committed by members of Defendant RANCHO SAN PEDRO, or any individual known to have
19 complained about any gang activity by members of Defendant RANCHO SAN PEDRO;

20 c. **No Firearms, Imitation Firearms, Ammunition, or Dangerous or Illegal**
21 **Weapons:** (1) Possessing any firearm, imitation firearm, ammunition, dangerous weapon (defined as
22 any fixed or folding knife with a blade two inches or longer), or illegal weapon as defined in Penal Code
23 section 12020, whether or not concealed, while in public view, in a public place or in any place
24 accessible to the public, or (2) knowingly remaining in the presence of anyone who is in possession of
25 such firearm, imitation firearm, ammunition, dangerous weapon or illegal weapon while in public view,
26 in a public place or in any place accessible to the public, or (3) knowingly remaining in the presence of
27 such firearm, imitation firearm, ammunition, dangerous weapon or illegal weapon while in public view,
28 in a public place or in any place accessible to the public;

1 d. **Stay Away From Drugs:** (1) Selling, transporting, or possessing or using any
2 controlled substance without a prescription or marijuana without a physician's recommendation, or any
3 such drug-related paraphernalia, including, but not limited to, rolling papers and pipes used for illegal
4 drug use, or (2) knowingly remaining in the presence of anyone who is selling, transporting, or who is
5 possessing or using any controlled substance without a prescription or marijuana without a physician's
6 recommendation, or any such drug-related paraphernalia;

7 e. **No Lookouts:** Acting as a lookout by whistling, yelling, or otherwise signaling,
8 by any means, including, but not limited to, hand signals, walkie-talkies, or cellular telephones, or other
9 electronic devices to text or email or otherwise warn another person engaged in unlawful or nuisance
10 activity of the approach of law enforcement officers, or soliciting, encouraging, coercing or employing
11 another person to act as such lookout;

12 f. **No Obstructing Traffic:** Obstructing, impeding or blocking the free passage of
13 any person or vehicle on any street, walkway, sidewalk, driveway, alley, parking lot or any other area
14 accessible to the public;

15 g. **Stay Away From Alcohol:** Drinking or possessing an open container of an
16 alcoholic beverage in public view, in a public place or in any place accessible to the public;

17 h. **No Graffiti or Vandalism Tools:** Damaging, defacing, marking, painting or
18 otherwise applying graffiti to any public or private property, or possessing any aerosol paint container,
19 felt tip marker or other etching or marking substance as defined in Penal Code sections 594.1 and 594.2,
20 which can be used to paint, spray paint, etch, mark, draw or otherwise apply graffiti;

21 i. **No Loitering:** Loitering in public view, in a public place or in any place
22 accessible to the public for the purpose of engaging in graffiti, drug-related activity or any other
23 unlawful or nuisance activity;

24 j. **No Trespassing:** Being present in or on the property of another person that is not
25 open to the general public, except (1) with the prior written consent of the owner, owner's agent or
26 person in lawful possession of the property, or (2) in the presence of and with the voluntary consent of
27 the owner, owner's agent or person in lawful possession of the property. For purposes of this provision,
28 the prior written consent must be carried on the enjoined person at the time he or she is visiting the

1 property not open to the general public and must be presented when requested by any peace officer; and

2 k. **Obey All Laws:** Failing to obey laws which (1) prohibit violence or threatened
3 violence, including, but not limited to, murder, attempt murder, intimidation, rape, robbery by force or
4 fear, assault or battery, (2) prohibit interference with the property rights of others, including, but not
5 limited to trespass, theft, vandalism, or the driving or taking of a vehicle without the owner's consent,
6 (3) prohibit the commission of acts that create a nuisance, including, but not limited to, the illegal sale of
7 controlled substances, blocking the sidewalk and street and violations of the Los Angeles Municipal
8 Code, and (4) any lawful orders of the Court;

9 2. For a **Hardship Exemption**, by which any member of Defendant RANCHO SAN
10 PEDRO, or any person who has been served with this injunction (hereinafter "Served Person") may
11 receive a specific exemption from portions of the "Do Not Associate" provision, as long as Served
12 Person complies with the following process:

13 a. A written application for such exemption is to be made to the Los Angeles City
14 Attorney's Office, Safe Neighborhoods and Gang Division, Attention DCA Kelly Huynh, at 200 N.
15 Main Street, City Hall East, 9th Floor, Room 966, Los Angeles, CA 90012;

16 b. The application must be specific in that it must request permission to associate
17 with only a named individual or named individuals, at specific times and in specific places, when such
18 association is reasonably necessary for some legitimate purpose; and

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

22 d. If such application is granted, written proof of the Hardship Exemption must be
23 carried by Served Person and must be presented to any peace officer upon request.

24 3. For an **Opt-Out Provision**, by which any member of Defendant RANCHO SAN
25 PEDRO, or any person who has been served with this injunction (hereinafter "Served Person") may
26 move this Court under this Opt-Out Provision for an order to be dismissed from this action. Plaintiff
27 agrees not to object to Served Person's motion to dismiss him or her from this Order, as long as such
28 dismissal is to be without prejudice and shall not operate as a retraxit in any other action, with each side

1 bearing its own costs and fees, and as long as Served Person's motion satisfies each of the following
2 requirements:

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

5 b. **No Longer a Gang Member:** Served Person must truthfully declare, under
6 penalty of perjury, that he/she is not or is no longer a member of Defendant RANCHO SAN PEDRO
7 gang, he/she is no longer active with Defendant RANCHO SAN PEDRO gang, and he/she has not
8 engaged in any gang activity or any criminal activity for a period of three years immediately preceding
9 the filing of such motion.

10 c. **No Third-Party Beneficiaries:** It shall not be a defense to any civil or criminal
11 contempt charge that Served Person was eligible to apply for dismissal under this Opt-Out Provision;

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

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

19 f. **Dismissed Served Person Committing New Violation:** If subsequent to
20 successfully obtaining an order of dismissal under this Opt-Out provision, Served Person violates
21 subsection b, then Served Person may be re-served with this Order and will be required to comply with
22 the terms and conditions of this Order; and

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4. That no person shall be subject to the provisions of this Order unless that person has been personally served with this Order.

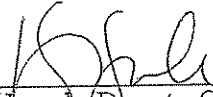
DATED: JUL 11 2011

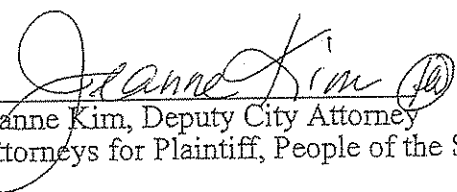
Susan Bryant-Deason

Judge of the Superior Court
Susan Bryant-Deason

Submitted on June 16, 2011

PEOPLE OF THE STATE OF CALIFORNIA
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