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FILED
 SUPERIOR COURT OF CALIFORNIA
 COUNTY OF ORANGE
 CENTRAL JUSTICE CENTER

JUN 12 2014

ALAN CARLSON, Clerk of the Court

6 Attorney for Plaintiff
 7 THE PEOPLE OF THE STATE OF CALIFORNIA

8 *Exempt From Filing Fees Pursuant to Gov't Code § 6103*

10 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
 11 **IN AND FOR THE COUNTY OF ORANGE, CENTRAL JUSTICE CENTER**

13 THE PEOPLE OF THE STATE OF CALIFORNIA,)
 14)
 15) Plaintiff,)

16 vs.

17 TOWNSEND STREET CRIMINAL STREET)
 18) GANG (an unincorporated association))

19 and DOES 1-100,)

20 Defendant(s))
 21)
 22)

Case No.:

30-2014

00727728

**COMPLAINT FOR
 PRELIMINARY AND
 PERMANENT INJUNCTION TO
 ABATE A PUBLIC NUISANCE
 FILED UNDER SEAL PURSUANT
 TO CCP §482.050(a)**

23 Plaintiff, The People of the State of California (hereinafter "PLAINTIFF"), by and
 24 through their attorney of record, Tony Rackauckas, District Attorney, acting under the authority
 25 of *Code of Civil Procedure* § 731, alleges against Defendant, Townsend Street Criminal Street
 26 Gang, and DOES 1-100 (all named and Doe defendants collectively referred to as "TOWNSEND
 27 STREET") as follows:

28 //

THE PARTIES

1
2 1. PLAINTIFF brings this action pursuant to and by the authority of §731 of the
3 Code of Civil Procedure. PLAINTIFF is informed and believes, and on that basis alleges, that at
4 all times herein mentioned TOWNSEND STREET was and now is an unincorporated association
5 of two or more individuals, commonly referred to as a criminal street gang, that are joined
6 together for social, recreational, profit and other common purposes, and which acts by and
7 through its members, both individually and collectively. TOWNSEND STREET is a “criminal
8 street gang” as defined in Penal Code §186.22(f), (1) being an ongoing organization, association,
9 or group of three or more persons; (2) having as one of its primary activities the commission of,
10 attempted commission of, or conspiracy to commit: assault with a deadly weapon or by means of
11 force likely to produce great bodily injury, unlawful homicide or manslaughter, sale and
12 possession for sale of controlled substances, discharging or permitting the discharge of a firearm
13 from a motor vehicle, intimidation of witnesses or victims, felony vandalism, possession of a
14 pistol, revolver, or other firearm capable of being concealed upon the person in violation of
15 Penal Code §12101, subdivision (a)(1), and prohibited possession, carrying concealed and
16 carrying a loaded firearm; (3) having a common name or common identifying sign or symbol;
17 and (4) whose members individually and collectively engage in or have engaged in a pattern of
18 criminal gang activity. TOWNSEND STREET conducts its affairs and activities within the City
19 of Santa Ana, in the County of Orange, State of California. TOWNSEND STREET is a gang
20 whose enemies include Goldenwest Street, Southside, Brook Street, Sixth Street, and McClay
21 Street gangs. However, their main rival is the West Myrtle Street gang.

22 2. TOWNSEND STREET is sued as an unincorporated association under Code of
23 Civil Procedure §369.5. TOWNSEND STREET members share a common name and purpose.
24 TOWNSEND STREET functions under circumstances where fairness requires that the group be
25 recognized as a distinct legal entity, because members of TOWNSEND STREET invoke their
26 gang’s name “ TOWNSEND STREET” or “TST”, during the commission of illegal sales of
27 controlled substances, shootings, assaults, gang graffiti, and other crimes and nuisance behavior,
28 in order to intimidate citizens, witnesses and victims. Equity demands TOWNSEND STREET

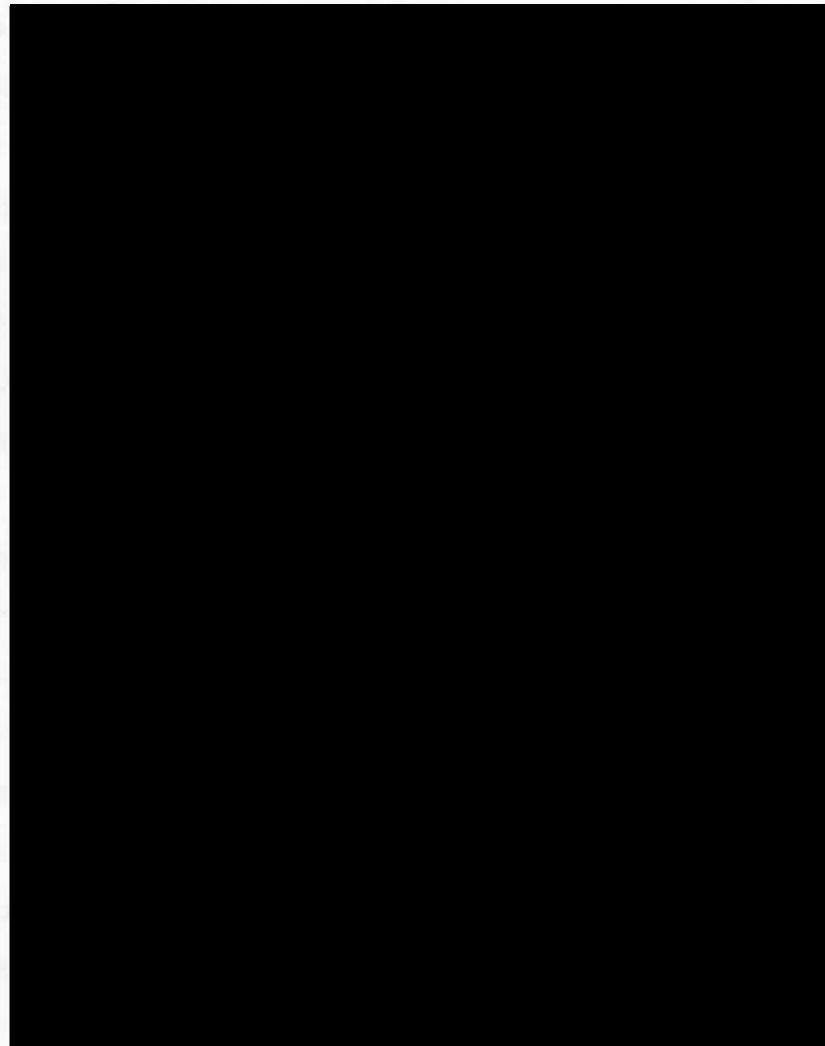
1 not be allowed to deny that TOWNSEND STREET exists as a criminal street gang, after
2 TOWNSEND STREET have received benefits from holding itself out to the public as a
3 denotable entity.

4 3. TOWNSEND STREET is also an unincorporated association consisting of two or
5 more individuals, joined by mutual consent for allegedly common lawful purposes, including
6 social, recreational, and other purposes. Notwithstanding any common lawful purposes,
7 TOWNSEND STREET is committing crimes and creating a public nuisance.

8 4. TOWNSEND STREET acts by and through its members, both individually and
9 collectively.

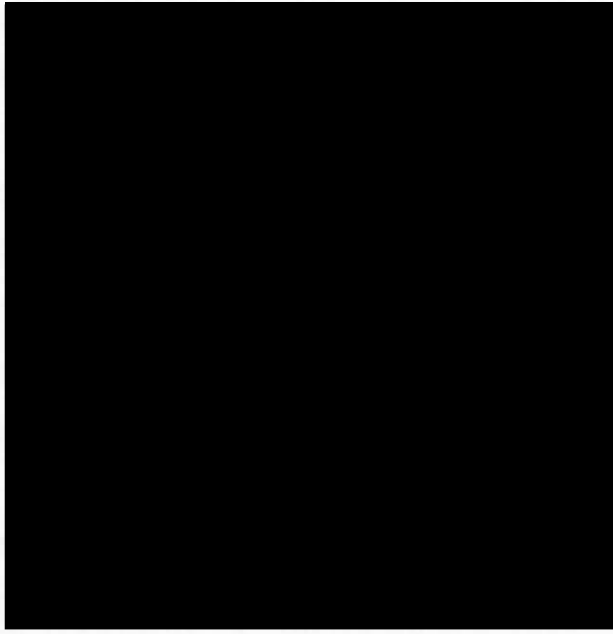
10 5. TOWNSEND STREET is comprised of members including, but not limited to:

- 11 a.
- 12 b.
- 13 c.
- 14 d.
- 15 e.
- 16 f.
- 17 g.
- 18 h.
- 19 i.
- 20 j.
- 21 k.
- 22 l.
- 23 m.
- 24 n.
- 25 o.
- 26 p.
- 27 q.
- 28 r.



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6. Each of the above-mentioned "Designated TOWNSEND STREET Active Participants" is responsible in some manner for the public nuisance described in this complaint.

FIRST CAUSE OF ACTION
PUBLIC NUISANCE

7. PLAINTIFF repeats, re-alleges and incorporates herein by this reference each and every allegation contained in Paragraph 1 through 6, herein, inclusive. By this action, PLAINTIFF seeks injunctive relief within a certain Safety Zone. The Safety Zone is generally defined as the area of the City of Santa Ana:

- From the south curb line of First Street at Sullivan Street;
- extending east to the east curb line of Raitt Street;
- extending south to the south curb line of McFadden Avenue;
- extending west to the west curb line of Sullivan Street;
- extending north to the south curb line of First Street at Sullivan Street.

The TOWNSEND STREET criminal street gang's activity negatively impacts and is a nuisance to the described area. The total area of the impacted Safety Zone is approximately .39 square miles. This territory comprises the identified Safety Zone for the purpose of this Injunction. (See attached Exhibit A, map of proposed Safety Zone).

1 TOWNSEND STREET has acted in a manner that constitutes a public nuisance *per se*
2 pursuant to Penal Code §186.22a. TOWNSEND STREET has also created a public nuisance as
3 defined by Civil Code §§3479 and 3480, and Penal Code §186.22a. TOWNSEND STREET also
4 possesses, sells, and uses illegal narcotics in the Safety Zone. TOWNSEND STREET's
5 members have been arrested for possession, use, possession for sale, and for being under the
6 influence of controlled substances in the Safety Zone. These activities are not only illegal and
7 dangerous, but are also indecent and offensive to the senses. Indeed, the illegal sale of controlled
8 substances is deemed a nuisance pursuant to Civil Code § 3479. TOWNSEND STREET's
9 nuisance activities continue unabated despite vigorous enforcement efforts.

10 8. For the last several years, continuing to the present time, TOWNSEND STREET
11 has occupied the Safety Zone, and has caused and continues to cause a public nuisance with its
12 actions. TOWNSEND STREET, by virtue of their criminal and nuisance activities, threatens the
13 freedom, health, safety, senses and right to free use and enjoyment of property of the people who
14 live, work, recreate, visit and pass through the Safety Zone. TOWNSEND STREET's behavior
15 is injurious to health, indecent and offensive and obstructs the free use of property, interfering
16 with the comfortable enjoyment of life and property by the community, constituting a public
17 nuisance pursuant to Civil Code §§3479 and 3480.

18 9. TOWNSEND STREET is a violent, criminal, traditional turf-oriented Hispanic
19 street gang. The gang has been active in the City of Santa Ana since the 1970's. Early cliques of
20 the current gang were known as "Los Insaners," and "Tokerside." The gang eventually evolved
21 as "Townsend Street," due to its core claimed area being Townsend Street. TOWNSEND
22 STREET stakes out and claims the Safety Zone as their "turf" by, among other things,
23 perpetrating violence upon perceived rivals who come into the area, defacing property
24 throughout the Safety Zone with gang graffiti, and intimidating community members in the
25 Safety Zone. TOWNSEND STREET members exert control over their turf through the use of
26 graffiti and violence. Their mere presence in the Safety Zone serves to put others on notice that
27 the area is controlled by the gang. It is not uncommon to see individual gang members or groups
28 of gang members "patrolling the neighborhood" to demonstrate their dominance and control over

1 the area. They will assault rival gang members who come into the area in order to demonstrat
2 their control over the neighborhood, and they will confront unknown Hispanic males who come
3 into the neighborhood. TOWNSEND STREET repeatedly engages in violent and aggressive
4 behavior which is injurious to the health and mental well-being of the residents of the Safety
5 Zone. TOWNSEND STREET's members arm themselves with guns and other dangerous
6 weapons and engage in violent, aggressive and destructive behavior. TOWNSEND STREET's
7 wars against rival gangs, and the foreseeable retaliation by rival gangs against TOWNSEND
8 STREET, create a dangerous environment for those who live, work, recreate, visit and pass
9 through the Safety Zone. Loaded firearms and other dangerous weapons have been found in the
10 Safety Zone. The violent acts of these gang members have endangered residents' lives and
11 shattered their sense of peace and security. The possession of weapons, along with the violent
12 behavior of TOWNSEND STREET gang members, creates the potential for innocent victims to
13 be caught in the crossfire of violence.

14 10. TOWNSEND STREET has brought and continuously brings violence into the
15 Safety Zone. TOWNSEND STREET has several rivals in the City of Santa Ana. These
16 rivalries result in violent confrontations in the Safety Zone that put innocent citizens at risk of
17 death or great bodily injury.

18 11. TOWNSEND STREET terrorizes and intimidates the community in the Safety
19 Zone by gathering in groups, flaunting gang tattoos, and invoking the gang name to strike fear
20 into the heart of the community. This fear allows TOWNSEND STREET to commit its crimes
21 unchecked. After committing its crimes, TOWNSEND STREET again invokes its gang name as
22 a shield behind which to hide and avoid accountability for their actions. If TOWNSEND
23 STREET believes that a victim or witness has reported a crime, the gang again invokes the name
24 and retaliates against the person, home, car, business and other property of the witness or victim.
25 TOWNSEND STREET's members often threaten victims of and witnesses to their crimes, thus
26 avoiding prosecution for their criminal conduct and ensuring that the nuisance will continue
27 unabated. Because of these actions, good people in the Safety Zone rightly believe they are at
28 risk if they report crime. Law enforcement is not able to function as it should when victims and

1 witnesses are too afraid of retaliation from TOWNSEND STREET to speak to the police and
2 prosecutors. TOWNSEND STREET's intimidation causes a nuisance by depriving the
3 community of their comfortable enjoyment of life and property, and creates an atmosphere
4 injurious to the community's health, and indecent and offensive to the senses.

5 12. Throughout the Safety Zone, TOWNSEND STREET's members loiter in groups
6 of two or more, selling and using drugs, drinking, littering, threatening and assaulting residents
7 and passersby in streets and sidewalks, open to public view and in front of children on private
8 property which they have forcefully usurped from lawful residents. TOWNSEND STREET's
9 members hang out on the sidewalks, the streets, alleys, and residents' yards in the Safety Zone,
10 thereby obstructing the free use of property by visitors to and residents of the Safety Zone. Some
11 law abiding people believe they should stay indoors at night to avoid being harassed by gang
12 members and to avoid becoming a victim of, or a witness to, TOWNSEND STREET's criminal
13 and nuisance activities. The association together of TOWNSEND STREET's members and
14 subsequent victimization of the residents by TOWNSEND STREET is injurious to the health,
15 offensive to the senses, and interferes with the comfortable enjoyment of life and property in the
16 Safety Zone.

17 13. TOWNSEND STREET seek to proclaim its ownership of the Safety Zone, to
18 bolster the notoriety of TOWNSEND STREET, and to physically degrade the Safety Zone by the
19 repeated application of gang graffiti on the interior and exterior walls of buildings, trees, fences
20 and other property in the Safety Zone. The writings and etchings are meant to dissuade residents
21 from complaining to the police department and to display the criminal street gang's power and
22 control. Graffiti constantly appears on the walls of homes and buildings creating a nuisance in
23 the area. TOWNSEND STREET commits its graffiti vandalism by using spray paint cans and
24 felt tip markers, as well as other techniques and devices. The property rights of the owners and
25 their tenants are substantially impaired and interfered with because they are forced to repeatedly
26 expend time, labor and money in a futile attempt to eradicate TOWNSEND STREET's gang
27 graffiti. Moreover, it is injurious to the health of the residents, and their comfortable enjoyment
28 of life and property are harmed, when TOWNSEND STREET gang graffiti attracts foreseeable

1 and violent retaliation from rival street gangs.

2 14. TOWNSEND STREET uses the sidewalks, private walkways and residents' yards
3 to congregate, drink alcohol, use drugs and harass pedestrians. As TOWNSEND STREET
4 participants continue to drink and use drugs, they become disorderly and increasingly
5 dangerous. Fortified by alcohol, drugs and the support of their fellow gang members,
6 TOWNSEND STREET targets and harasses innocent members of the community in the Safety
7 Zone. This behavior constitutes a nuisance in that it is indecent and offensive to the senses, and
8 interferes with the comfortable enjoyment of life and property in the Safety Zone.

9 15. TOWNSEND STREET believes and acts as if it owns the Safety Zone, treating
10 the homes and yards of the residents and the non-public areas of local businesses as if they were
11 the personal property of TOWNSEND STREET. Residents have their yards used as escape
12 routes when gang members flee from pursuing law enforcement officers. When being sought by
13 law enforcement, TOWNSEND STREET members burst into residents' homes to seek shelter.
14 Residents and local businesses have their private possessory rights in their property substantially
15 impaired and interfered with by TOWNSEND STREET. TOWNSEND STREET's behavior
16 obstructs the free use of property by the owners and their tenants in the Safety Zone. The
17 association of TOWNSEND STREET and their subsequent victimization of the residents are
18 injurious to the health, offensive to the senses, and interfere with the comfortable enjoyment of
19 life and property in the Safety Zone.

20 16. TOWNSEND STREET commits much of their criminal, nuisance and gang
21 activity under the cover of darkness. Nuisance activity including illegal drug use, drug sales,
22 loitering, disturbing the peace, robberies, assaults, and shootings are more likely to occur in the
23 late evening and early morning hours.

24 17. As a result of TOWNSEND STREET's behavior, residents in the Safety Zone
25 have suffered great emotional distress in the form of fear, intimidation, anxiety and invasion of
26 privacy. Unless and until the activity is restrained, it will continue to cause great irreparable
27 injury to the residents' safety, peace, and tranquility within the Safety Zone.

28 //

1 18. Unless restrained by this Court, TOWNSEND STREET will continue to maintain
2 the nuisance by participating in and encouraging the above-described activities.

3 19. Unless restrained by this court, TOWNSEND STREET will continue to confront
4 and intimidate residents of and visitors to the Safety Zone.

5 20. Unless restrained by this Court, TOWNSEND STREET will continue to dissuade
6 victims and witnesses from reporting crimes and nuisance behavior to the police and from
7 testifying after reports are made, in an effort to evade responsibility for their criminal conduct.

8 21. The public interest in tranquility and security, and basic public order, is threatened
9 by TOWNSEND STREET's oppressive and widespread criminal and nuisance behavior.
10 Injunctive relief is necessary to eliminate the abuse of innocent victims who reside in the Safety
11 Zone.

12 22. PLAINTIFF has no plain, speedy, or adequate remedy at law and will continue to
13 suffer irreparable damage, injury and harm unless equitable relief is granted. Criminal
14 prosecution has not stopped TOWNSEND STREET's criminal and nuisance activities.
15 TOWNSEND STREET threatens the victims and witnesses of their crimes, serving to reinforce
16 TOWNSEND STREET's menacing reputation, avoids prosecution for its criminal conduct, and
17 ensures that the nuisance will continue unabated.

18 23. The activities and conduct of TOWNSEND STREET, as alleged in this
19 Complaint, constitute an interference with the rights of the community at large in the Safety
20 Zone, and, as a result, constitute a public nuisance. The level and frequency of violent criminal
21 gang-related activities, as well as nuisance activities, cause an immediate, permanent and
22 perpetual risk of severe bodily injury and/or death to residents in and around the Safety Zone,
23 officers of the Santa Ana Police Department, as well as other law enforcement agencies and the
24 people of the surrounding communities.

25 24. Code of Civil Procedure §731 authorizes District Attorneys and City Attorneys to
26 enjoin public nuisances in the name of the People of the State of California. In addition, under
27 these facts, injunctive relief is appropriate under Code of Civil Procedure §526.

28 //

PRAYER FOR RELIEF

WHEREFORE, PLAINTIFF prays that judgment be entered in favor of PLAINTIFF and against Defendant as follows:

1. For a judicial determination that TOWNSEND STREET is a criminal street gang within the meaning of Penal Code section 186.22, subdivision (f) and *People v. Englebrecht* (2001) 88 Cal.App.4th 1236, 1258;

2. For a judicial determination that TOWNSEND STREET criminal street gang is an unincorporated association within the meaning of Code of Civil Procedure § 369.5 and Corporations Code § 18035;

3. For a judicial determination that a public nuisance within the meaning of Civil Code §§3479 and 3480 exists in the Safety Zone located in the City of Santa Ana defined as:

- From the south curb line of First Street at Sullivan Street;
- extending east to the east curb line of Raitt Street;
- extending south to the south curb line of McFadden Avenue;
- extending west to the west curb line of Sullivan Street;
- extending north to the south curb line of First Street at Sullivan Street.

4. For a judicial determination that TOWNSEND STREET criminal street gang, it's members, including, but not limited to, the individuals listed as "Designated TOWNSEND STREET Active Participants," participants, agents, associates, aiders, and abettors whose membership, participation, agency, association, aid, or abetment is more than nominal, passive, inactive, or purely technical, and all persons acting under, in concert with, for the benefit of, at the direction of, or in association with TOWNSEND STREET criminal street gang in a manner that is more than nominal, passive, inactive, or purely technical, are responsible for creating and maintaining the public nuisance in the Safety Zone.

5. For preliminary and permanent injunctive relief enjoining and restraining TOWNSEND STREET criminal street gang (an unincorporated association), and its members, participants, agents, associates, aiders, and abettors whose membership, participation, agency, association, aid, or abetment is more than nominal, passive, inactive, or purely technical, and all

1 persons acting under, in concert with, for the benefit of, at the direction of, or in association with
2 TOWNSEND STREET criminal street gang in a manner that is more than nominal, passive,
3 inactive, or purely technical, from engaging in or performing directly or indirectly, any of the
4 following activities in the Safety Zone:

5 a. **Do Not Associate:** Anywhere in any public place, any place accessible to
6 the public, or in public view, do not stand, sit, walk, drive, bicycle, gather or appear with (1)
7 anyone you know to be a member, participant, agent, associate, servant, employee, aider, or
8 abettor of the TOWNSEND STREET criminal street gang, or (2) anyone you know to be acting
9 under, in concert with, for the benefit of, at the direction of, or in association with the
10 TOWNSEND STREET criminal street gang. This prohibition shall not apply in either of the
11 following situations: (1) when an enjoined person is lawfully inside the premises of a licensed
12 school attending class or conducting school business during regular school hours, or (2) when an
13 enjoined person is inside the premises of a church or religious institution for the purpose of
14 worship. However, this prohibition shall apply to all methods of travel to and from any of the
15 aforementioned permissible locations. (*People ex rel. Gallo v. Acuna, supra*, 14 Cal.4th at 1110,
16 1117-1118, 1121-1122 [discussion of provision (a)], 1123-1125; *In re Englebrecht, supra*, 67
17 Cal.App.4th at 488-489, 490 fn. 3 [quoting par (a)]; *People v. Englebrecht, supra*, 88
18 Cal.App.4th at 1243 and 1261. *People ex. rel. Totten v. Colonia Chiques* (2007) 156 Cal.App.4th
19 31, 35-37.)

20 b. **Do Not Intimidate:** Anywhere in any public place, any place accessible to
21 the public, or in public view, do not (1) confront, intimidate, annoy, harass, threaten, challenge,
22 provoke, assault, or batter anyone in the Safety Zone, or (2) remain in the presence of or assist
23 anyone you know is confronting, intimidating, annoying, harassing, threatening, challenging,
24 provoking, assaulting, or battering anyone in the Safety Zone. (Penal Code §§ 31, 136.1, 240,
25 242, 415, and 422; *People ex rel. Gallo v. Acuna, supra*, 14 Cal.4th at 1118-1122; *In re*
26 *Englebrecht, supra*, 67 Cal.App.4th at 490 fn. 3, 493, [par (k)].)

27 c. **Stay Away From Drugs and Drug Paraphernalia:** Anywhere in any
28 public place, any place accessible to the public, or in public view, do not (1) unlawfully use,

1 possess, transport, furnish, manufacture, deliver, dispense, distribute, or sell any drug, including
2 cocaine, base "rock" cocaine, heroin, marijuana, methamphetamine, opium, PCP, or other
3 controlled substance (2) unlawfully use, possess, transport, furnish, manufacture, deliver,
4 dispense, distribute, or sell any drug paraphernalia, such as a pipe, hypodermic needle, syringe,
5 or other device, contrivance, or instrument used for unlawfully ingesting, injecting, inhaling or
6 smoking any drug or controlled substance, (3) remain in the presence of or assist anyone you
7 know is unlawfully using, possessing, transporting, furnishing, manufacturing, delivering,
8 dispensing, distributing, or selling any drug, including cocaine, base "rock" cocaine, heroin,
9 marijuana, methamphetamine, opium, PCP, or other controlled substance, or drug paraphernalia,
10 such as a pipe, hypodermic needle, syringe, or device, contrivance, or instrument used for
11 unlawfully ingesting, injecting, inhaling, or smoking any drug or controlled substance (4) remain
12 in the presence of or assist anyone you know to be unlawfully under the influence of any drug or
13 controlled substance, (5) knowingly remain in the presence of any illegal drug, including
14 cocaine, base "rock" cocaine, heroin, marijuana, methamphetamine, opium, PCP, or other
15 controlled substance, or drug paraphernalia, such as a pipe, hypodermic needle, syringe, or other
16 device, contrivance, or instrument used for unlawfully ingesting, injecting, inhaling, or smoking
17 any drug or controlled substance, except on properly licensed premises and when in the lawful
18 possession of the possessor, or (6) unlawfully be under the influence of any drug. (Health & Saf.
19 Code §§ 11014, 11014.5, 11018-11021, 11053-11058, 11364.1, and 11550; Pen. Code § 31;
20 *People v. Englebrecht, supra*, 88 Cal.App.4th at 1243, fn. 2, [par (1)].)

21 d. **Stay Away From Guns, Explosive Devices and Weapons:** Anywhere in
22 any public place, any place accessible to the public, or in public view, do not (1) use, possess,
23 transport, furnish, manufacture, deliver, dispense, distribute, dispose, discard, or sell any firearm,
24 gun, replica firearm, ammunition, BB gun, pellet gun, explosive device, destructive device, or
25 weapon such as knives, dirks, daggers, clubs, metal knuckles, hard plastic knuckles, nunchakus,
26 chains, slingshots, or any weapon listed in Penal Code §§19100, 19200 (a) and (b), 20310,
27 20410, 20510, 20610, 20710, 20910, 21110, 21310, 21510, 21710, 21810, 22010, 22210, 22410,
28 24310, 24410, 24510, 24610, 24710, 30210 (a) and (b), 31500, 33210, 33600, (2) remain in the

1 presence of or assist anyone you know is using, possessing, transporting, furnishing,
2 manufacturing, delivering, dispensing, distributing, disposing, discarding, or selling any firearm,
3 gun, replica firearm, ammunition, BB gun, pellet gun, explosive device, destructive device, or
4 weapon such as knives, dirks, daggers, clubs, metal knuckles, hard plastic knuckles, nunchakus,
5 chains, slingshots. Any weapon listed in Penal Code § 19100, 19200(a) and (b), 20310, 20410,
6 20510, 20610, 20710, 20910, 21110, 21310, 21510, 21710, 21810, 22010, 22210, 22410, 24310,
7 24410, 24510, 24610, 24710, 30210 (a) and (b), 31500, 33210, 33600, or (3) knowingly remain
8 in the presence of any firearm, gun, replica firearm, ammunition, BB gun, pellet gun, explosive
9 device, destructive device, or weapon such as knives, dirks, daggers, clubs, metal knuckles, hard
10 plastic knuckles, nunchakus, chains, slingshots, or any weapon listed in Penal Code §§19100,
11 19200 (a) and (b), 20310, 20410, 20510, 20610, 20710, 20910, 21110, 21310, 21510, 21710,
12 21810, 22010, 22210, 22410, 24310, 24410, 24510, 24610, 24710, 30210 (a) and (b), 31500,
13 33210, 33600. (Pen. Code §§ 31, 19100, 19200 (a) and (b), 20310, 20410, 20510, 20610,
14 20710, 20910, 21110, 21310, 21510, 21710, 21810, 22010, 22210, 22410, 24310, 24410, 24510,
15 24610, 24710, 30210, (a) and (b), 31500, 33210, 33600 , 21710, 25850(a). (S.A.M.C. §10-149,
16 *People v. Englebrecht, supra*, 88 Cal.App.4th at 1243, fn. 2, [par (c), (j)].)

17 e. **Do Not Fight:** Anywhere in any public place, any place accessible to the
18 public, or in public view, do not (1) unlawfully fight or challenge another person to fight, (2)
19 remain in the presence of or assist anyone you know is unlawfully fighting or challenging
20 another person to fight, (3) maliciously and willfully disturb another person by loud or
21 unreasonable noise, (4) remain in the presence of or assist anyone you know is maliciously and
22 willfully disturbing another person by loud or unreasonable noise, (5) use offensive words which
23 are inherently likely to provoke an immediate violent reaction, or (6) remain in the presence of or
24 assist anyone you know is using offensive words which are inherently likely to provoke an
25 immediate violent reaction. (Pen. Code §§ 31 and 415; *People v. Englebrecht, supra*, 88
26 Cal.App.4th at 1243, fn. 2, [par (d)].)

27 f. **Do Not Trespass:** Do not (1) be present on, remain on or pass through
28 any property not open to the public unless you have the voluntary consent of the owner, owner's

1 agent, or the person in lawful possession of the property, (2) remain in the presence of or assist
2 anyone you know is present on, remaining on, or passing through any property not open to the
3 public without the voluntary consent of the owner, owner's agent or the person in lawful
4 possession of the property; (3) enter posted school grounds during school hours without first
5 obtaining permission from the administrative office of the school or school district unless, as to
6 the specific school grounds you are entering, you are a currently enrolled student, teacher, staff
7 member, employee, service provider, vendor, counselor, approved volunteer, parent of a
8 currently enrolled student at the school, or are an attendee at a school event at the school grounds
9 you are entering that is open to the public while that event is open and you are only in the area(s)
10 open for that event, or when you are attending a function of authorized groups pursuant to
11 Education Code § 40040 et. seq., (4) remain in the presence of or assist anyone you know is
12 entering school grounds during school hours without having first obtained permission from the
13 administrative office of the school or school district unless you know, as to the specific school
14 grounds he or she is entering, that person is a currently enrolled student, teacher, staff member,
15 employee, service provider, vendor, counselor, approved volunteer, parent of a currently enrolled
16 student, or is an attendee at a school event at the school grounds he or she is entering that is open
17 to the public while that event is open and that person is only in the area(s) open for that event, or
18 when he or she is attending a function of authorized groups pursuant to Education Code § 40040
19 et. seq. (Pen. Code §§ 626.6, 626.7, 626.8, 627, 627.1, 627.2, 627.3, 627.4, 627.8; *People v.*
20 *Englebrecht, supra*, 88 Cal.App.4th at 1243, fn. 2, [par (g)].)

21 g. **Do Not Block Free Passage:** Anywhere in any public place, any place
22 accessible to the public, or in public view, do not (1) willfully and maliciously block the free
23 passage of any person or vehicle on any street, walkway, sidewalk, driveway, alleyway, parking
24 lot, or other area of public passage, or (2) remain in the presence of or assist anyone you know is
25 willfully and maliciously blocking the free passage of any person or vehicle on any street,
26 walkway, sidewalk, driveway, alleyway, parking lot, or other area of public passage. (Pen. Code
27 §§31 and 647c; *In re Englebrecht, supra*, 67 Cal.App.4th at 490 fn. 3, 493 [par (h)].)

28 //

1 h. **Do Not Engage In Graffiti and/or Vandalism And Stay Away From**
2 **Graffiti/Vandalism Tools:** Anywhere in any public place, any place accessible to the public, or
3 in public view, do not (1) maliciously paint, write, mark, inscribe, etch, scratch, draw, label,
4 paste, apply, affix, or otherwise deface any real or personal property not your own with any type
5 of graffiti or other inscribed material, including any unauthorized inscription, word, figure, mark,
6 or design, (2) remain in the presence of or assist anyone you know is maliciously painting,
7 writing, marking, inscribing, etching, scratching, drawing, labeling, pasting, applying, affixing,
8 or otherwise defacing any real or personal property not belonging to him, her or you with any
9 type of graffiti or other inscribed material, including any unauthorized inscription, word, figure,
10 mark, or design, (3) maliciously damage or destroy real or personal property not your own, (4)
11 remain in the presence of or assist anyone you know is maliciously damaging or destroying real
12 or personal property not belonging to him, her or you, (5) unlawfully possess a spray paint can,
13 paint stick, paint pen, marker pen, felt tip marker as defined in Penal Code §594.2, knife,
14 screwdriver, razor blade, nail, etching tool, adhesive sticker, drill bit, grinding stone, marking
15 substance as defined in Penal Code §594.2, or other object capable of marking, scarring,
16 destroying, damaging or defacing property, or (6) remain in the presence of or assist anyone you
17 know is unlawfully possessing a spray paint can, paint stick, paint pen, marker pen, felt tip
18 marker as defined in Penal Code §594.2, knife, screwdriver, razor blade, nail, etching tool,
19 adhesive sticker, drill bit, grinding stone, marking substance as defined in Penal Code §594.2, or
20 other object capable of marking, scarring, destroying, damaging or defacing property. (Pen.
21 Code §§ 31, 594, and 594.2; S.A.M.C. §§ 10-221, 10-222, 10-223.1, 10-227(a); *People v.*
22 *Engbrecht, supra*, 88 Cal.App.4th at 1243, fn. 2, [par (e), (f)].)

23 i. **Do Not Use TOWNSEND STREET Criminal Street Gang Hand Signs**
24 **or Symbols:** Anywhere in any public place, any place accessible to the public, or in public view,
25 do not (1) use, display, or communicate by means of any words, phrases, physical gestures, hand
26 signs, or symbols that you know describe, represent, or refer to the TOWNSEND STREET
27 criminal street gang, or (2) remain in the presence of or assist anyone you know is using,
28 displaying, or communicating by means of any words, phrases, physical gestures, hand signs or

1 symbols that you know describe, represent, or refer to the TOWNSEND STREET criminal street
2 gang. (*People v. Englebrecht, supra*, 88 Cal.App.4th at 1243 fn. 2, 1266-1267 [par (s)].)

3 j. **Do Not Wear TOWNSEND STREET Criminal Street Gang Clothing:**
4 Anywhere in any public place, any place accessible to the public, or in public view, do not (1)
5 wear, display, exhibit, or possess any clothes or accessories that you know advertise, advance,
6 promote, represent, or refer to the TOWNSEND STREET criminal street gang, including
7 clothes or accessories that display, exhibit, or feature, in any variation or combination, the image,
8 name, words, letters, or numbers: "Townsend," "Townero," "Pueblo Manda," "Pueblo Town,"
9 "Southwest," "T," "S," "CT," "CTR," "13," "XIII," "X3," or clothes or accessories that
10 memorialize the death or imprisonment of any current or former TOWNSEND STREET
11 criminal street gang participant using his or her moniker; or (2) remain in the presence of or
12 assist anyone that you know is wearing, displaying, exhibiting, or possessing any clothes or
13 accessories that you know advertise, advance, promote, represent, or refer to the TOWNSEND
14 STREET criminal street gang. (*People v. Englebrecht, supra*, 88 Cal.App.4th at 1243 fn. 2,
15 1266-1267 [par (t)].)

16 k. **Stay Away From Burglary Tools:** Anywhere in any public place, any
17 place accessible to the public, or in public view, do not (1) unlawfully use, possess, transport,
18 furnish, manufacture, deliver, dispense, distribute, or sell any screwdriver, ceramic or porcelain
19 spark plug chip, shaved key, picklock, wire cutter, dent puller, slingshot, steel shot, spark plug,
20 slim jim, bump key, or any instrument or tool listed in Penal Code §466, or (2) remain in the
21 presence of or assist anyone you know that is unlawfully using, possessing, transporting,
22 furnishing, manufacturing, delivering, dispensing, distributing, or selling any screwdriver,
23 ceramic or porcelain spark plug chip, shaved key, picklock, wire cutter, dent puller, slingshot,
24 steel shot, spark plug, slim jim, bump key, or any instrument or tool listed in Penal Code §466.
25 (Pen. Code §466; *In re Englebrecht, supra*, 67 Cal.App.4th at 490 fn. 3, [par (o)]; *People v.*
26 *Englebrecht, supra*, 88 Cal.App.4th at 1243 fn. 2 [par (n)].)

27 l. **Obey Curfew if You Are a Minor:** If you are under eighteen (18) years
28 of age, anywhere in any public place, any place accessible to the public, or in public view, do not

1 remain, linger, or stay in or upon, or fail to leave any public place, vacant lot, or business
2 establishment between the hours of 10:00 p.m. on any day and 6:00 a.m. of the following day,
3 unless: (1) you are accompanied by your parent(s) or legal guardian, (2) you are on an errand
4 without any detour or stop at the direction of your parent(s), legal guardian or responsible adult,
5 (3) you are on a public or private sidewalk bordering, touching and directly in front of your own
6 residence or bordering, touching and directly in front of the residence of your nearest next door
7 neighbor, (4) you are acting within the course and scope of your lawful employment or business
8 or when you are going to or from such place of lawful employment or business by a reasonably
9 direct route, without detour, from or to your home, or when you are going to or from a bona fide
10 interview for lawful employment by a reasonably direct route, without detour, from or to your
11 home, (5) you are going to or from, are attending, or are engaged in, an official school, official
12 religious, or other expressive activity within the scope of your rights under the First Amendment
13 to the Constitution of the United States which activity is supervised or overseen by an adult
14 person on behalf of any public entity, civic organization, non-profit organization, educational
15 organization, governmental organization, or similar organization, where you are going to or from
16 such activity in a reasonably direct route, without detour, from or to your home, (6) you are
17 going to or from a place of lawful entertainment, recreation, culture, or charity that is open to the
18 public, such as a restaurant, theater, museum, church, sports arena, homeless shelter, food bank,
19 library, public park during operating hours, gymnasium, bookstore, coffee shop, or hospital, for
20 an activity which is supervised or overseen by an adult person on behalf of any public entity,
21 civic organization, non-profit organization, educational organization, governmental organization,
22 or similar organization, where you are going to or from such activity in a reasonably direct route,
23 without detour, from or to your home, (7) you are a registered volunteer at any shelter, hospital,
24 school or other charitable institution and you are going to or from your volunteer work in a
25 reasonably direct route, without detour, from or to your home, (8) you are responding to an
26 emergency situation, such as a fire, a natural disaster, an automobile accident, or any situation
27 requiring immediate action to prevent serious bodily injury or loss of life, or (9) you are in a
28 vehicle engaged in interstate travel. (S.A.M.C. §§ 10-182, 10-183; *In re Englebrecht, supra*, 67

1 Cal.App.3rd at 490 fn. 3, [par (x)]; *People v. Englebrecht, supra*, 88 Cal.App.4th at 1243 fn. 2
2 [par (v)]; *In re Nancy C.* (1972) 28 Cal.3rd 747; *Alves v. Superior Court* (1957) 148 Cal.App.2d.
3 419.)

4 m. **Obey Curfew if You Are an Adult:** If you are eighteen (18) years of age
5 or older, anywhere in any public place, any place accessible to the public, or in public view, do
6 not remain, linger or stay in or upon, or fail to leave any public place, vacant lot, or business
7 establishment between the hours of 10:00 p.m. on any day and 6:00 a.m. of the following day,
8 unless: (1) you are on a public or private sidewalk bordering, touching and directly in front of
9 your own residence or bordering, touching, and directly in front of the residence of your nearest
10 next door neighbor, (2) you are acting within the course and scope of your lawful employment or
11 business, or when you are going to or from such place of lawful employment or business by a
12 reasonably direct route, without detour, from or to your home or when you are going to or from
13 your home for a bona fide interview for lawful employment by a reasonably direct route, without
14 detour, from or to your home, (3) you are going to or from, are attending, or are engaged in, an
15 official school, official religious, or other expressive activity within the scope of your rights
16 under the First Amendment to the Constitution of the United States, where you are going to or
17 from such activity in a reasonably direct route, without detour, from or to your home, (4) you are
18 going to or from a place of lawful entertainment, recreation, culture, or charity that is open to the
19 public, such as a restaurant, theater, museum, church, sports arena, homeless shelter, food bank,
20 library, public park during operating hours, gymnasium, coffee shop, or hospital, where you are
21 going to or from such place in a reasonably direct route, without detour, from or to your home,
22 (5) you are a registered volunteer at any shelter, hospital, school or other charitable institution
23 and you are going to or from your volunteer work in a reasonably direct route, without detour,
24 from or to your home, (6) you are responding to an emergency situation, such as a fire, a natural
25 disaster, an automobile accident, or any situation requiring immediate action to prevent serious
26 bodily injury or loss of life, or (7) you are in a vehicle engaged in interstate travel. *In re*
27 *Englebrecht, supra*, 67 Cal.App.3rd at 490 fn. 3, [par (x)]; *People v. Englebrecht, supra*, 88
28 Cal.App.4th at 1243 fn. 2, [par (v)]; *In re Nancy C.* (1972) 28 Cal.3rd 747; *Alves v. Superior*

1 | *Court* (1957) 148 Cal.App.2d. 419.)

2 | n. **Stay Away From Alcohol:** Anywhere in any public place, any place
3 | accessible to the public, or in public view, unless you are lawfully in a bar, restaurant, or other
4 | establishment properly licensed for the consumption of alcohol, do not (1) drink alcoholic
5 | beverages, (2) possess any can, bottle, or other receptacle containing any alcoholic beverage,
6 | which has been opened, or has had the seal broken, or the contents of which has been partially
7 | removed, (3) unlawfully be under the influence of alcohol, (4) knowingly remain in the presence
8 | of anyone possessing any can, bottle, or other receptacle containing any alcoholic beverage,
9 | which has been opened, or has had the seal broken, or the contents of which has been partially
10 | removed, or (5) knowingly remain in the presence of any can, bottle, or other receptacle
11 | containing any alcoholic beverage, which has been opened, or has had the seal broken, or the
12 | contents of which has been partially removed. The provisions of this section shall not be
13 | applicable to: (1) The consumption or possession of alcoholic beverages when authorized by the
14 | city at any city sponsored event; or (2) An event at a civic center, community center or other city
15 | owned public meeting facility when the consumption or possession of alcohol has been
16 | specifically authorized under the rules and regulations established for the operation of these
17 | facilities; (3) The consumption or possession of alcohol by a person on private property if the
18 | person consuming or possessing the alcohol has the express permission of the owner or the
19 | person in lawful possession of the property; (4) The consumption or possession of alcohol in the
20 | front yard of a single-family residence, extending from the front of the structure to the public
21 | right-of-way. (Pen. Code § 647(f); S.A.M.C. § 10-33; Veh. Code §§ 21221.5, 23140, 23152(a);
22 | *People ex. rel. Totten v. Colonia Chiques, supra*, 156 Cal.App.4th p. 38-39.)

23 | o. **Do Not Act as a Lookout:** Anywhere in any public place, any place
24 | accessible to the public, or in public view, do not keep watch, yell, whistle, signal, gesture,
25 | motion, or use a device such as a horn, phone, cell phone, radio or other device, or otherwise act
26 | as a lookout to warn another person of the approach or presence of a law enforcement officer or
27 | security guard, or of the approach or presence of a person during an attempted or completed
28 | commission of a crime or an attempted or completed violation of any part of this order. (*People*

1 v. *Engelbrecht, supra*, 88 Cal.App.4th 1236, 1243, fn. 2, [par (q)]; *In re Engelbrecht, supra*, 67
2 Cal.App.4th 486, 490, fn. 3, [par (r)].)

3 p. **Obey All Laws:** Anywhere in any public place, any place accessible to
4 the public, or in public view, obey all laws and court orders.

5 q. **Definitions:** For purposes of this order, “public place” means any place
6 open to common, or general use, participation or enjoyment by the public (*In re Zorn* (1963) 59
7 Cal.2d 650, 652); any place that the public has a right to go and to be (*People v. Belanger* (1966)
8 243 Cal.App.2d 654, 657); or any location that is open and accessible to all those who wish to go
9 there rather than a place which the general public frequents (Pen. Code § 647, subs. (a) & (f),
10 CALCRIM § 1161, *People v. Perez* (1976) 64 Cal.App.3d 297, 301). For purposes of this order,
11 a “public place” includes, but is not limited to, churches, hospitals, transport facilities, libraries,
12 theaters, parks, stores, shops, malls, bars, restaurants, parking lots, parking structures, streets,
13 roads, driveways, highways, sidewalks, walkways, alleys, pools (including public pools,
14 association pools, community pools, or apartment pools), common areas of schools, and common
15 areas of apartment buildings, including internal and external hallways. “Accessible to the
16 public” means any place that is open to the public, or easily approached or entered by the public.
17 “In public view” means any place where the public may see, behold, be present at a showing,
18 examine, inspect, survey, study mentally, or consider. For purposes of this order, “controlled
19 substance” means a drug, substance, or immediate precursor which is listed in any schedule in
20 Health and Safety Code § 11054, 11055, 11056, 11057 or 11058.

21 r. **Limitation:** Nothing in this order shall be construed to infringe upon the
22 legitimate and lawful exercise of constitutionally protected rights of freedom of speech and
23 expression under the First Amendment to the Constitution of the United States.

24 s. **Severability:** If any specific portion of a provision in this Order is found
25 to be invalid for any reason, such invalidity shall not affect any of the other portions of that
26 provision or any other provision in this Order, and an invalid portion of a provision shall be
27 specifically disregarded; however, the provision as a whole shall not be disregarded.
28

1 t. **Effective Upon Service:** An individual shall be subject to the provisions
2 of this Order for Injunction when the individual has been personally served with this Order.

3 u. **Informal Opt-Out Provision:** Any person who has been served with this
4 injunction may request the District Attorney's Office remove him or her from the injunction.
5 This may be done in writing or in person. Using this Informal Opt-Out Provision does not
6 preclude an individual from seeking a court determination as to whether he or she should be
7 removed from the injunction.

8 v. **Modification:** This Order for Injunction is subject to modification by any
9 party to the action upon noticed motion, while the Enforcement List is subject to modification by
10 any party who has been served with the Order for Injunction. Any party or person seeking to
11 modify the Enforcement List, including motions brought by named active participants to be
12 removed from the Enforcement List, or motions brought by the Plaintiff to add additional
13 persons to the Enforcement List, must make a properly noticed motion in accordance with the
14 California Code of Civil Procedure, the California Rules of Court, and applicable Local Rules. If
15 an active participant seeks to be removed from the Enforcement List, he or she may contact the
16 District Attorney's Office and use the Informal Opt-Out provision set forth in paragraph "u" of
17 this Order, or he or she may file a motion directly to the Court, serving the Plaintiff, Orange
18 County District Attorney's Office. If the Plaintiff seeks to add individuals to the Enforcement
19 List, it shall serve the motion on each individual sought to be added, and send copies to any other
20 person who, at the time of filing is 1) a party to the action and 2) has made an appearance in the
21 case. It shall not be a defense to any civil or criminal contempt charge, or civil or criminal charge
22 of any type whatsoever, that the moving party is eligible for relief under this provision.

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Respectfully submitted,

Date: 6-4, 2014

By: Tony Rackaukas

TONY RACKAUCKAS, DISTRICT ATTORNEY
COUNTY OF ORANGE, STATE OF CALIFORNIA