

ENDORSED FILED
SUPERIOR COURT
COUNTY OF SAN FRANCISCO

DEC 18 2007

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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 CITY AND COUNTY OF SAN FRANCISCO

10 UNLIMITED CIVIL JURISDICTION

11 PEOPLE OF THE STATE OF
CALIFORNIA, by and through DENNIS
12 J. HERRERA, City Attorney for the CITY
AND COUNTY OF SAN FRANCISCO,

13
14 Plaintiff,

15 vs.

16 CHOPPER CITY, a criminal street gang,
sued as an unincorporated association,
17 EDDY ROCK, a criminal street gang,
sued as an unincorporated association,
18 KNOCK OUT POSSE, a criminal street
gang, sued as an unincorporated
19 association, and DOES 1 THROUGH 500,

20 Defendants.

Case No. 464-493

~~PROPOSED~~ JUDGMENT GRANTING
PERMANENT INJUNCTION

Hearing Date: December 18, 2007
Hearing Judge: Kaplan
Time: 9:00 a.m.
Place: Department 218

Date Action Filed: June 21, 2007
Trial Date: Not yet set

Attachments:
Exhibit A, Map of Safety Zones
Exhibit B, List of Gang Member for
Service and Enforcement

21 Plaintiff People of the State of California's Request for Default Judgment and Permanent
22 Injunction in the above-entitled action came on regularly for hearing at 9:00 a.m. on December 18,
23 2007 in Courtroom 218 of the above captioned Court. Plaintiff appeared through its counsel of
24 record, Deputy City Attorneys Jennifer Choi and Jill Cannon. Defendants Chopper City criminal
25 street gang, Eddy Rock criminal street gang and Knock Out Posse criminal street gang did not
26 appear. The Honorable Sue M. Kaplan presiding.
27
28

1 Having read and considered the moving papers and evidence filed herein, and having heard
2 the argument of counsel, the Court determines that Plaintiff's Request for Default Judgment and
3 Permanent Injunction is GRANTED.

4 This Court finds by clear and convincing evidence the following against Defendants
5 CHOPPER CITY criminal street gang and KNOCK OUT POSSE criminal street gang:

- 6 • the gangs were properly served with the Summons and Complaint in this matter, and
7 provided with an opportunity to be heard;
- 8 • the gangs failed to answer or otherwise respond to the Summons and Complaint;
- 9 • The gangs were properly noticed and served with the Request for Default;
- 10 • Default was properly entered against both gangs on November 5, 2007;
- 11 • the gangs are criminal street gangs as defined in Penal Code Section 186.22;
- 12 • the gangs are criminal street gangs as defined for the purpose of a gang abatement
13 injunction in *People v. Englebrecht* (2001) 88 Cal.App.4th 1236, 1258;
- 14 • the gangs have created a public nuisance by their conduct, their activities and the
15 conduct and activities of their members in the Chopper City/Knock Out Posse Safety
16 Zone.¹

17 This Court finds by clear and convincing evidence the following against Defendants EDDY
18 ROCK criminal street gang:

- 19 • the gang was properly served with the Summons and Complaint in this matter, and
20 provided with an opportunity to be heard;
- 21 • the gang failed to answer or otherwise respond to the Summons and Complaint;
- 22 • The gang was properly noticed and served with the Request for Default;
- 23 • Default was properly entered against the gang on November 5, 2007;

24 ¹ The Chopper City/Knock Out Posse Safety Zone includes that area of San Francisco that is
25 bordered by and includes Ellis Street to the North, Divisadero Street to the West, Turk Street to the
26 South, and Steiner Street to the East. The KOP/Chopper City Safety Zone includes the sidewalks on
27 both sides of each of these boundary streets and extends to the outside of any sidewalk on each of
28 these boundary streets. The KOP/Chopper City Safety Zone includes the Marcus Garvey, Martin
Luther King and Pitts Plaza Public Housing Complexes. See Exhibit A to this Order.

- the gang is criminal street gang as defined in Penal Code Section 186.22;
- the gang is a criminal street gang as defined for the purpose of a gang abatement injunction in *People v. Englebrecht* (2001) 88 Cal.App.4th 1236, 1258;
- the gang has created a public nuisance by its conduct, its activities and the conduct and activities of its members in the Eddy Rock Safety Zone.²

A. SPECIFIC PROHIBITIONS AGAINST DEFENDANTS CHOPPER CITY, KNOCK OUT POSSE AND THEIR MEMBERS

GOOD CAUSE HAVING BEEN SHOWN, IT IS ORDERED that Defendants CHOPPER CITY Criminal Street Gang and KNOCK OUT POSSE criminal street gang, and all of their members, associates, and persons acting under, in concert with, for the benefit of, at the direction of, or in association with Defendants CHOPPER CITY Criminal Street Gang and KNOCK OUT POSSE criminal street gang, as designated on Exhibit B, the "List of Gang Members For Service And Enforcement Of Permanent Injunction", are enjoined and restrained from engaging in or performing directly or indirectly, any of the following activities in the Chopper City/Knock Out Posse Safety Zone:

1. **Intimidation:** Confronting, intimidating, annoying, harassing, threatening, challenging, provoking, assaulting, or battering any person known to Defendants KNOCK OUT POSSE and CHOPPER CITY, their members, associates, affiliates, recruits or agents, to be a witness to, a victim of, or a complainant of any activity of the KNOCK OUT POSSE or CHOPPER CITY Criminal Street Gangs;

2. **Guns or Dangerous Weapons:** (1) possessing any gun, firearm, ammunition, or illegal weapon as defined in Penal Code Section 12020, (2) knowingly remaining in the presence of anyone who is in possession of such gun, firearm, ammunition or illegal weapon, or (3) knowingly remaining in the presence of such gun, firearm, ammunition, or illegal weapon;

² The Eddy Rock Safety Zone includes that area of San Francisco that is bordered by and includes Ellis Street to the north, Gough Street to the east, Turk Street to the south, and Webster Street to the west. The Eddy Rock Safety Zone includes the sidewalks on both sides of each of these boundary streets and extends to the outside of any sidewalk on each of these boundary streets. This zone includes the Plaza East Public Housing Complex. See Exhibit A to this Order.

1 3. **Graffiti or Graffiti Tools:** Damaging, defacing, or marking any public or private
2 property of another, or possessing spray paint cans, felt tip marker, or other graffiti tools as defined
3 in Penal Code Section 594.2;

4 4. **Possession and Sale of Controlled Substances:** Selling, possessing, or using any
5 controlled substance or related paraphernalia, as defined in Health and Safety Code Section 11364,
6 including, but not limited to, rolling papers, smoking pipes of any kind, crack vials, and syringes, (2)
7 knowingly remaining in the presence of anyone selling, possessing, or using any controlled
8 substance or related paraphernalia, or (3) knowingly remaining in the presence of any controlled
9 substance or such related paraphernalia;

10 5. **Trespassing:** Being present on any private property, including San Francisco
11 Housing Authority property, except (1) with the prior, written consent of the owner or the owner's
12 agent, or person in lawful possession of the property, or (2) in the physical presence of the owner or
13 owner's agent, or person in lawful possession of the property;

14 6. **Gang Signs and Gang Symbols:** Flashing or displaying the following gang signs or
15 symbols with the intent to express gang affiliation, support or allegiance: "Knock Out Posse",
16 "KOP", "KO", "567", "1600", "1600 Block", "Uptown", "Chopper City", "Choppa City", "223",
17 "1800", "1800 Block", the "okay" hand sign (or variations of the hand sign, including using two
18 fingers to form a circle and extending the other fingers out or up and out), the "C" hand sign, and the
19 "thumbs up" hand sign.

20 7. **Association:** Standing, sitting, walking, driving, gathering, or appearing anywhere in
21 the public view or in a place accessible to the public with any known member of the KNOCK OUT
22 POSSE or CHOPPER CITY Criminal Street Gang, excluding: 1) when all individuals are inside a
23 school in class or on school business; and 2) when all individuals are inside a church or house of
24 worship. This prohibition against associating with other KNOCK OUT POSSE and CHOPPER
25 CITY gang members applies to all travel to or from school or church or house of worship, and to any
26 congregating before school or church or worship or after school or church or worship.

1 8. **Loitering:** Loitering in a public place in a manner and under circumstances
2 manifesting the purpose and with the intent to commit an offense specified in Chapter 6
3 (commencing with Section 11350) and Chapter 6.5 (commencing with Section 11400) of the Health
4 and Safety Code, in accordance with Health and Safety Code Section 11532(b);

5 9. **Gang Recruitment:** Taking any action to recruit gang members for Defendants
6 KNOCK OUT POSSE or CHOPPER CITY Criminal Street Gangs, or making any threats or
7 promises to shoot, stab, strike, hit, batter, injure, assault, disturb the peace, or destroy the personal
8 property of anyone, as an incentive to join KNOCK OUT POSSE or CHOPPER CITY gangs;

9 10. **Stopping Members from Leaving Gang:** Stopping a gang member from leaving
10 Defendants KNOCK OUT POSSE or CHOPPER CITY Criminal Street Gangs, or making any
11 threats or promises to shoot, stab, strike, hit, batter, injure, assault, disturb the peace or destroy the
12 personal property of anyone, as an incentive not to leave KNOCK OUT POSSE or CHOPPER CITY
13 gangs; and

14 11. **Violation of Laws:** Violating any laws, including, but not limited to, laws
15 prohibiting homicide, robbery, assault, battery, burglary, theft, auto theft, vandalism, graffiti,
16 mischief, trespass, loitering with intent to commit a narcotics offense, possession, use,
17 transportation, and sales of controlled substances.

18 **B. SPECIFIC PROHIBITIONS AGAINST DEFENDANT EDDY ROCK AND ITS**
19 **MEMBERS**

20 **GOOD CAUSE HAVING BEEN SHOWN, IT IS ALSO ORDERED** that Defendant
21 EDDY ROCK Criminal Street Gang, and all of its members, associates, and persons acting under, in
22 concert with, for the benefit of, at the direction of, or in association with Defendant EDDY ROCK
23 criminal street gang, as designated on Exhibit B, the "List of Gang Members For Service And
24 Enforcement Of Permanent Injunction", are enjoined and restrained from engaging in or performing
25 directly or indirectly, any of the following activities in the Eddy Rock Safety Zone:

26 1. **Intimidation:** Confronting, intimidating, annoying, harassing, threatening,
27 challenging, provoking, assaulting, or battering any person known to Defendant EDDY ROCK, its
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1 members, associates, affiliates, recruits or agents, to be a witness to, a victim of, or a complainant of
2 any activity of the EDDY ROCK Criminal Street Gang;

3 2. **Guns or Dangerous Weapons:** (1) possessing any gun, firearm, ammunition, or
4 illegal weapon as defined in Penal Code Section 12020, (2) knowingly remaining in the presence of
5 anyone who is in possession of such gun, firearm, ammunition or illegal weapon, or (3) knowingly
6 remaining in the presence of such gun, firearm, ammunition, or illegal weapon;

7 3. **Graffiti or Graffiti Tools:** Damaging, defacing, or marking any public or private
8 property of another, or possessing spray paint cans, felt tip marker, or other graffiti tools as defined
9 in Penal Code Section 594.2;

10 4. **Possession and Sale of Controlled Substances:** Selling, possessing, or using any
11 controlled substance or related paraphernalia, as defined in Health and Safety Code Section 11364,
12 including, but not limited to, rolling papers, smoking pipes of any kind, crack vials, and syringes, (2)
13 knowingly remaining in the presence of anyone selling, possessing, or using any controlled
14 substance or related paraphernalia, or (3) knowingly remaining in the presence of any controlled
15 substance or such related paraphernalia;

16 5. **Trespassing:** Being present on any private property, including San Francisco
17 Housing Authority property, except (1) with the prior, written consent of the owner or the owner's
18 agent, or person in lawful possession of the property, or (2) in the physical presence of the owner or
19 owner's agent, or person in lawful possession of the property;

20 6. **Gang Signs and Gang Symbols:** Flashing or displaying the following gang signs or
21 symbols with the intent to express gang affiliation, support or allegiance: "Eddy Rock", "OC",
22 "Paypa Bound", "Downtown", "ER", "E", "PB", "37", "72", "1200" and "rock" symbol.

23 7. **Association:** Standing, sitting, walking, driving, gathering, or appearing anywhere in
24 the public view or in a place accessible to the public with any known member of the EDDY ROCK
25 Criminal Street Gang, excluding: 1) when all individuals are inside a school in class or on school
26 business; and 2) when all individuals are inside a church or house of worship. This prohibition
27 against associating with other EDDY ROCK gang members applies to all travel to or from school or
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1 church or house of worship, and to any congregating before school or church or worship or after
2 school or church or worship.

3 8. **Loitering:** Loitering in a public place in a manner and under circumstances
4 manifesting the purpose and with the intent to commit an offense specified in Chapter 6
5 (commencing with Section 11350) and Chapter 6.5 (commencing with Section 11400) of the Health
6 and Safety Code, in accordance with Health and Safety Code Section 11532(b);

7 9. **Gang Recruitment:** Taking any action to recruit gang members for Defendant
8 EDDY ROCK Criminal Street Gang, or making any threats or promises to shoot, stab, strike, hit,
9 batter, injure, assault, disturb the peace, or destroy the personal property of anyone, as an incentive
10 to join EDDY ROCK Criminal Street Gang;

11 10. **Stopping Members from Leaving Gang:** Taking any action to stop a gang member
12 from leaving Defendant EDDY ROCK Criminal Street Gang, or making any threats or promises to
13 shoot, stab, strike, hit, batter, injure, assault, disturb the peace or destroy the personal property of
14 anyone, as an incentive not to leave EDDY ROCK Criminal Street Gang; and

15 11. **Violation of Laws:** Violating any laws including, but not limited to, laws prohibiting
16 homicide, robbery, assault, battery, burglary, theft, auto theft, vandalism, graffiti, mischief, trespass,
17 loitering with intent to commit a narcotics offense, possession, use, transportation, and sales of
18 controlled substances.

19 **C. MODIFICATIONS TO THE INJUNCTION**

20 **IT IS ALSO ORDERED** that this Order shall be subject to modification of any of its terms
21 upon noticed motion of any party or any person named in the "List of Gang Members For Service
22 And Enforcement Of Permanent Injunction", including without limitation motions by the People to
23 add additional persons to be bound by this Order ("Opt In") and motions by individuals bound by
24 this Order to be removed from the list of persons subject to this Order ("Opt Out").

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1 **D. PROCEDURAL MATTERS**

2 **IT IS ALSO ORDERED THAT:**

3 1. No member of CHOPPER CITY, EDDY ROCK or KNOCK OUT POSSE shall be
4 subject to the provisions of this Order unless said individual has been previously personally served
5 with this Order;

6 2. Plaintiff, the People of the State of California, shall not be required to post an
7 undertaking pursuant to Code of Civil Procedure section 529(b)(3).

8 3. Plaintiff waived costs. Each party shall bear its own costs in this action.

9 **IT IS SO ORDERED**

10 Dated:

11 **DEC 18 2007**

12 **S. KAPLAN**

13 _____
14 JUDGE OF THE SUPERIOR COURT

1 **Exhibit B**

2 List of Gang Members for Service and Enforcement of Permanent Injunction

3 **CHOPPER CITY GANG MEMBERS**

4 DENNIS ANDERSON, DOB 1/12/82 or 1/12/83 or 1/23/83 or 1/22/84³
5 DEON ANDERSON, DOB 1/12/82 or 1/12/83 or 1/23/83 or 1/22/84
6 BYRON CHEEVES, DOB 6/25/85
7 DERON CHEEVES, DOB 11/21/87
8 CLARENCE COOK, DOB 1/24/86
9 JAMAL GAINES, DOB, 7/31/86
10 DWIGHT HART, DOB 2/24/87
11 ANTOINE JOHNSON, DOB 6/10/83
12 RICKY ROUNDS, DOB 12/11/86
13 CARNELL TAYLOR, DOB 6/24/69
14 KARWARN THORN, DOB 9/9/83

15 **EDDY ROCK GANG MEMBERS**

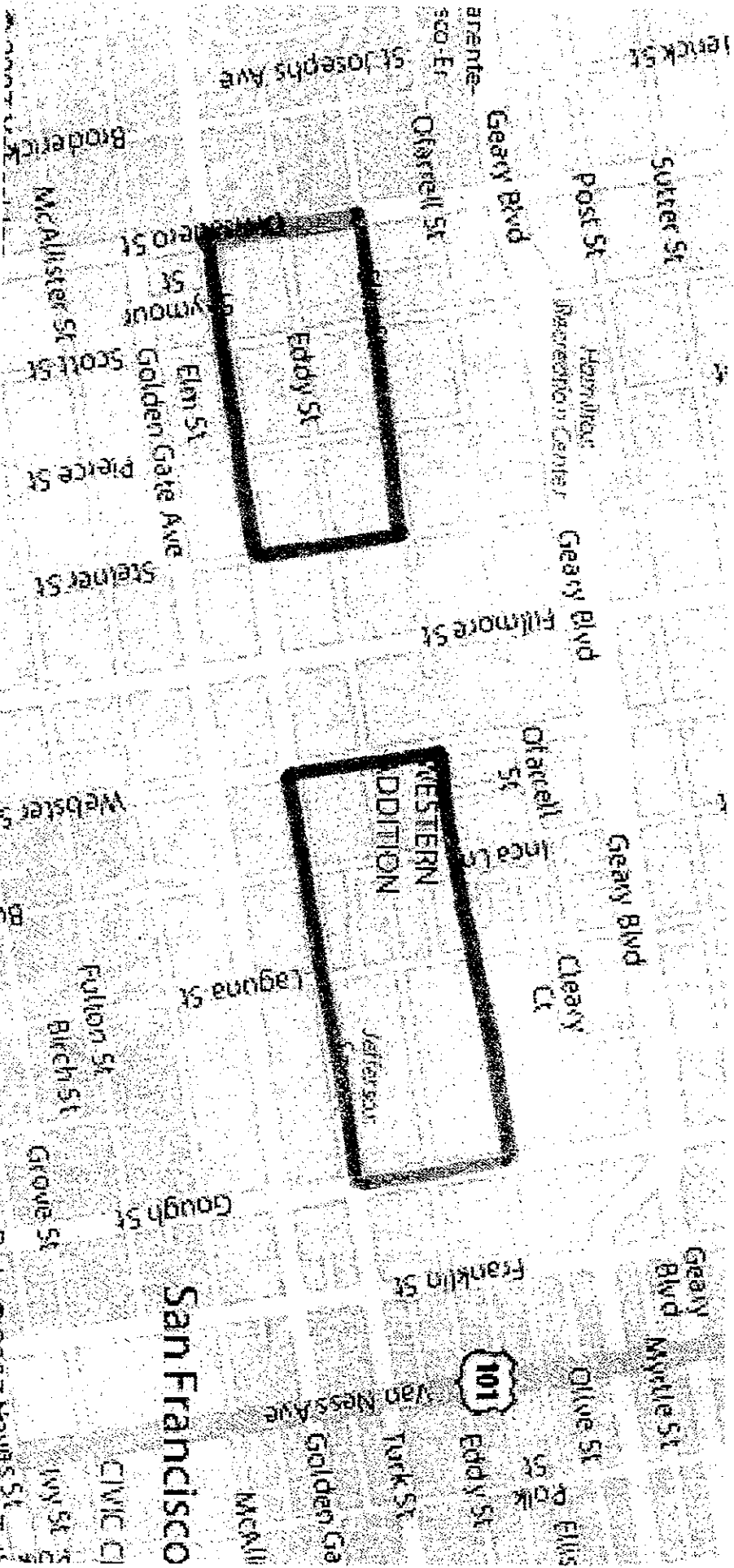
16 DONTAE ALLEN, DOB 4/10/79
17 ANDRE BERNARD, DOB 2/2/81
18 MAURICE BIBBS, DOB 9/22/87
19 DESHAWN CAMPBELL, DOB 8/7/87
20 MAURICE CARTER, DOB 6/4/75
21 RAYMOND DAVIS, DOB 11/12/79
22 ROBERT HARVEY, DOB 9/29/75
23 LESLIE HOWARD, DOB 12/3/79
24 DONTAYE HUBBARD, DOB 6/3/80
25 KETHAN HUBBARD, DOB 9/30/81
26 STEVE JOHNSON, DOB 3/7/80
27 DELARIAN LEE, DOB 7/5/87
28 DION MARTIN, DOB 11/14/88
PARIS MOFFETT, DOB 3/26/78
DELSHAWNTE SMITH, DOB 3/23/80
DEMETRIUS SMITH, DOB 2/12/82
JONATHAN SMITH, DOB 5/16/85
HANNIBAL THOMPSON, DOB 8/1/87
DEANDRE WATSON, DOB 7/17/88

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26 ³ Dennis Anderson and Deon Anderson are brothers who have been known to interchange names and various
27 birth dates.

"EXHIBIT A"



Arante-
SCO-ET
St. Josephs Ave

Geary Blvd

Sutter St

Post St

Recreation Center

Geary Blvd

Fillmore St

Eddy St

Elm St

Golden Gate Ave

Pierce St

Steiner St

Webster St

Geary Blvd

Clay Ct

WESTERN
ADDITION

Laguna St

Jefferson St

Fulton St

Birch St

Grove St

Gough St

Geary Blvd

Myrtle St



Eddy St

Olive St

PO Ellis

Turk St

Golden Gate

San Francisco

CIVIC CENTER

WY St

"EXHIBIT B"

1 **Exhibit B**

2 List of Gang Members for Service and Enforcement of Permanent Injunction

3 **CHOPPER CITY GANG MEMBERS**

4 **DENNIS ANDERSON, DOB 1/12/82 or 1/12/83 or 1/23/83 or 1/22/84³**
5 **DEON ANDERSON, DOB 1/12/82 or 1/12/83 or 1/23/83 or 1/22/84**
6 **BYRON CHEEVES, DOB 6/25/85**
7 **DERON CHEEVES, DOB 11/21/87**
8 **CLARENCE COOK, DOB 1/24/86**
9 **JAMAL GAINES, DOB, 7/31/86**
10 **DWIGHT HART, DOB 2/24/87**
11 **ANTOINE JOHNSON, DOB 6/10/83**
12 **RICKY ROUNDS, DOB 12/11/86**
13 **CARNELL TAYLOR, DOB 6/24/69**
14 **KARWARN THORN, DOB 9/9/83**

15 **EDDY ROCK GANG MEMBERS**

16 **DONTAE ALLEN, DOB 4/10/79**
17 **ANDRE BERNARD, DOB 2/2/81**
18 **MAURICE BIBBS, DOB 9/22/87**
19 **DESHAWN CAMPBELL, DOB 8/7/87**
20 **MAURICE CARTER, DOB 6/4/75**
21 **RAYMOND DAVIS, DOB 11/12/79**
22 **ROBERT HARVEY, DOB 9/29/75**
23 **LESLIE HOWARD, DOB 12/3/79**
24 **DONTAYE HUBBARD, DOB 6/3/80**
25 **KETHAN HUBBARD, DOB 9/30/81**
26 **STEVE JOHNSON, DOB 3/7/80**
27 **DELARIAN LEE, DOB 7/5/87**
28 **DION MARTIN, DOB 11/14/88**
PARIS MOFFETT, DOB 3/26/78
DELSHAWNTE SMITH, DOB 3/23/80
DEMETRIUS SMITH, DOB 2/12/82
JONATHAN SMITH, DOB 5/16/85
HANNIBAL THOMPSON, DOB 8/1/87
DEANDRE WATSON, DOB 7/17/88

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26 ³ Dennis Anderson and Deon Anderson are brothers who have been known to interchange names and various
27 birth dates.

1 **KNOCK OUT POSSE GANG MEMBERS**

2 **JUAN ALLEN, DOB 8/13/80**

3 **DANA BALL, DOB 12/12/88**

4 **FLOYD BARROW, DOB 1/11/80 or 1/18/80⁴**

5 **KILAMANJARO BELL, DOB 12/8/86**

6 **LAVEAUX DEROSANE, AKA LAVEAUX DEROSANS, DOB 11/5/77**

7 **JELVON HELTON, DOB 3/18/88**

8 **BRIAN HILL, DOB 1/5/81**

9 **DARRELL LUCKETT, DOB 4/25/84**

10 **TERRY LUCKETT, DOB 10/6/85**

11 **MARCUS MAYS, AKA MARQUEZ MAYS OR MARQUES MAYS DOB 1/8/84**

12 **ROBERT MAYS, DOB 1/30/83**

13 **GARY OWENS, DOB 3/3/81**

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27 ⁴ Barrow has used both dates of birth.