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ENDORSED
FILED
San Francisco County Superior Court

MAR 15 2007

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO
UNLIMITED JURISDICTION

PEOPLE OF THE STATE OF CALIFORNIA, *ex rel.* Dennis J. Herrera, City Attorney for the City and County of San Francisco,

Plaintiff,

vs.

OAKDALE MOB, a criminal street gang sued as an unincorporated association; and DOES 1—500,

Defendants.

Case No. CGC-06-456-517

~~PROPOSED~~ JUDGMENT GRANTING PERMANENT INJUNCTION

Hearing Date: March 15, 2007
Hearing Judge: Hon. Sue Kaplan
Time: 9:00 a.m.
Place: Dept. 218

Date Action Filed: September 27, 2006
Trial Date: N/A

Plaintiff, the People of the State of California, *ex rel.* Dennis J. Herrera as the City Attorney for the City and County of San Francisco, filed a complaint seeking to abate a public nuisance through the use of what is commonly known as a "gang injunction," against defendant Oakdale Mob, an unincorporated association alleged to be a criminal street gang, and against all members of defendant OAKDALE MOB, in a "Safety Zone," located in the City and County of San Francisco, bounded by Griffith Street to the east, Palou Avenue to the south, Ingalls Street to the west, and Navy Road to the north, continuing straight beyond the end of Navy Road to where it would

1 intersect with Ingalls Street, and including both sides of those four boundaries streets. Default was
2 duly entered against the defendant OAKDALE MOB on February 2, 2007. After due consideration
3 of all papers filed in this action, including the declarations, other evidence submitted, People's
4 Memorandum of Points and Authorities including *People ex rel. Gallo v. Acuna* (1997) 14 Cal.4th
5 1090, *cert. denied*, 521 U.S. 1121; *People v. Englebrecht* (2001) 88 Cal.App.4th 1236; *In re*
6 *Englebrecht* (1998) 67 Cal.App.4th 486, and other argument of counsel, this Court finds by clear
7 and convincing evidence that service is proper under the circumstances, that the defendant is a
8 criminal street gang as defined in Penal Code Section 186.22 (the Street Terrorism Enforcement and
9 Prevention "STEP" Act), that defendant OAKDALE MOB is a criminal street gang as defined for
10 the purpose of a gang abatement injunction in *People v. Englebrecht* (2001) 88 Cal.App.4th 1236,
11 1258, that a public nuisance caused by the conduct and activities of criminal street gangs exists in
12 the Safety Zone, and that the conduct and activities of the defendant and the members of defendant
13 and those persons through whom defendant acts is a cause of the public nuisance that exists in the
14 Safety Zone; and

15 GOOD CAUSE HAVING BEEN SHOWN, IT IS HEREBY ORDERED that:

16 1. Defendant OAKDALE MOB and OAKDALE MOB members Laurice Barrett, Larry
17 Benjamin, Deonte Bennett, Gregory Bennett, Shaun Britton, Geary Brown, Kerry Dawson, Daniel
18 Dennard, Namone Green, Darren Harrell, Shanteak Harris, aka Kincaid, Antonio Johnson, Curtis
19 Jones, Ellis McGhee, Michael Metcalf, Demauriae Nolan, James Powell, DeShawn Range, Sean
20 Robinson, Charles Rollins, Joseph Willis, and Daven Woolfolk, are enjoined and restrained from
21 engaging in or performing directly or indirectly, any of the following activities in the Safety Zone:

22 a. **No Intimidation:** Confronting, intimidating, annoying, harassing, threatening,
23 challenging, provoking, assaulting or battering any person known to be a witness to, known
24 to be a victim of, or known to have complained about any activity of OAKDALE MOB;

25 b. **No Guns or Dangerous Weapons:** Anywhere in public view or any place
26 accessible to the public, (1) possessing any gun, ammunition, or illegal weapon as defined in
27 Penal Code Section 12020, (2) knowingly remaining in the presence of anyone who is in
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1 possession of such gun, ammunition or illegal weapon, or (3) knowingly remaining in the
2 presence of such gun, ammunition or illegal weapon;

3 c. **No Graffiti or Graffiti Tools:** Damaging, defacing, or marking any public
4 property or private property of another, or possessing any spray paint can, felt tip marker, or
5 other graffiti tool as defined in Penal Code Section 594.2;

6 d. **Stay Away From Drugs:** Without a prescription, (1) selling, possessing, or
7 using any controlled substance or related paraphernalia, including but not limited to rolling
8 papers and pipes used for illegal drug use, (2) knowingly remaining in the presence of
9 anyone selling, possessing, or using any controlled substance or such related paraphernalia,
10 or (3) knowingly remaining in the presence of any controlled substance or such related
11 paraphernalia;

12 e. **No Trespassing:** Being present on or in any property not open to the general
13 public, including the San Francisco Housing Authority and AIMCO, except (1) with the
14 prior written consent of the owner, owner's agent, or the person in lawful possession of the
15 property, or (2) in the presence of and with the voluntary consent of the owner, owner's
16 agent, or the person in lawful possession of the property;

17 f. **Do Not Associate:** Standing, sitting, walking, driving, gathering or appearing,
18 anywhere in public view or any place accessible to the public, with any known member of
19 OAKDALE MOB, but not including: (1) when all individuals are inside a school attending
20 class or on school business; and (2) when all individuals are inside a church; and (3) when
21 three or fewer such individuals are in a publicly-accessible place to participate in an anti-
22 drug, anti-gang or anti-crime program, or in a charitable activity run and supervised by the
23 City and County of San Francisco, a church or a charitable community organization that is
24 registered pursuant to Government Code section 12585; provided, however, that such
25 individuals are in full compliance with all other terms of the injunction, and no association
26 occurs during travel to or from any of those locations;

27 g. **Do Not Loiter with the Intent to Commit a Narcotics-Related Offense as**
28 **Proscribed in Health and Safety Code Section 11532:** Loitering in a public place in a

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

5 h. **No Nighttime Loitering:** Loitering in a public place between midnight on any
6 day and 5:30 a.m. of the immediately following day;

7 i. **Don't Force Any Person To Join The OAKDALE MOB Gang:** Do not make
8 any threats or do anything threatening, including without limitation to strike, batter, destroy
9 the personal property, or disturb the peace, to cause a person to join the OAKDALE MOB
10 criminal street gang;

11 j. **Don't Prevent Any Person From Leaving The OAKDALE MOB Gang:** Do
12 not make any threats or do anything threatening, including without limitation to shoot,
13 strike, batter, destroy the personal property, or disturb the peace (1) to prevent a person from
14 leaving the OAKDALE MOB criminal street gang or (2) to any person known to have left
15 the OAKDALE MOB criminal street gang; and

16 k. **Obey All Laws:** Obey all laws that (1) prohibit violence and threatened violence
17 including murder, rape, robbery by force or fear, assault and battery, (2) prohibit
18 interference with the property rights of others including trespass, theft, driving or taking a
19 vehicle without the owner's consent, and vandalism, or (3) prohibit the commission of acts
20 which create a nuisance including the illegal sale of controlled substances, loitering with the
21 intent to commit a narcotics-related offense, and blocking the sidewalk;

22 2. No OAKDALE MOB member shall be subject to the provisions of this Order unless
23 said individual has been previously personally served with this Order;

24 3. This order shall be subject to modification of any of its terms upon noticed motion of
25 any party, any person named in paragraph 1 above, any alleged member of the OAKDALE MOB
26 served under paragraph 2 above; including without limitation motions by the People to add
27 additional persons to be bound and motions to be removed from or to modify the list of persons
28 subject to this Order; and

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

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

Dated: **MAR 15 2007**

SUE KAPLAN

JUDGE OF THE SUPERIOR COURT

People v. Oakdale Mob
San Francisco Superior Court No. 06 456-517