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PEOPLE OF THE STATE OF CALIFORNIA

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA

11 COUNTY OF SAN FRANCISCO

12 UNLIMITED JURISDICTION

13 PEOPLE OF THE STATE OF
14 CALIFORNIA, by and through Dennis J.
Herrera, City Attorney for the City and
15 County of San Francisco,

16 Plaintiff,

17 vs.

18
19 DOWN BELOW GANGSTERS, a
criminal street gang sued as an
20 unincorporated association, TOWERSIDE
GANG, a criminal street gang sued as an
21 unincorporated association, and DOES 1
through 500, inclusive,
22

23 Defendants.

Case No. CGC 10-502-262

16 [PROPOSED]

ORDER GRANTING DEFAULT
JUDGMENT IN FORM OF
PERMANENT GANG INJUNCTION

Hearing Date: February 17, 2011
Hearing Judge: Ellen Chaitin
Time: 9:00 am.
Place: Dept. 514

Date Action Filed: August 5, 2010
Trial Date: n/a

Attached Exhibit: A

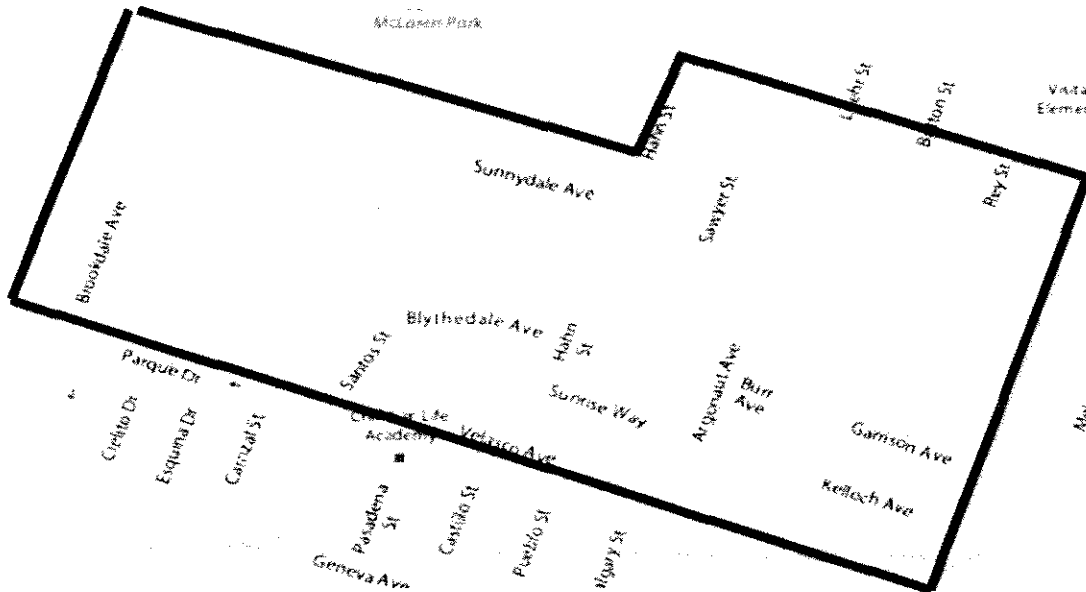
24 Plaintiff PEOPLE OF THE STATE OF CALIFORNIA's Request for Default Judgment in
25 the form of a Permanent Gang Injunction in the above-entitled action came on regularly for hearing
26 at 9:00 a.m. on February 17, 2011, in Department 514 of this Court, the Honorable Judge Ellen
27 Chaitin, presiding. Plaintiff PEOPLE OF THE STATE OF CALIFORNIA ("PLAINTIFF" or the
28

1 "CITY"), was represented by their attorney, DENNIS J. HERRERA, City Attorney, appearing
2 through MICHAEL S. WEISS and YVONNE R. MERÉ, Deputy City Attorneys. Defendants
3 DOWN BELOW GANGSTERS ("DBG") and TOWERSIDE criminal street gangs ("Defendants")
4 did not appear.

5 Having read and considered the moving papers, all papers filed in this action, and all
6 evidence presented, and having heard argument of counsel, and good cause appearing therefor,

7 **IT IS ORDERED, ADJUDGED AND DECREED** that Plaintiff's Request for Default
8 Judgment in the form of a Permanent Gang Injunction is **GRANTED**.

9 **THE COURT FINDS BY CLEAR AND CONVINCING EVIDENCE** that a public
10 nuisance exists in the area referred to by Plaintiff as the "Safety Zone," an "L" shaped area bordered
11 by Schwerin Avenue to the East, Visitation Avenue to the North, Hahn Street to the Northern
12 fenced border of the Sunnydale Housing Development (separating the Sunnydale Housing
13 Development from Herz Playground and Gleneagles International Golf Course), the Western border
14 of the Sunnydale Housing Development to the West, South along the perimeter of the Sunnydale
15 Housing Development which becomes Velasco Avenue at Carrizal Street to the South. A map of
16 the Proposed Safety Zone is included below.



1 As to Defendant DOWN BELOW GANGSTERS (DBG) criminal street gang, Default
2 Judgemnt in the form of a Permanent Gang Injunction is GRANTED. This Court finds by clear and
3 convincing evidence the following against Defendant DBG criminal street gang:

- 4 • Defendant DBG was properly and adequately noticed, properly served with the
5 Summons and Complaint, and adequately provided with an opportunity to be heard
- 6 • Defendant DBG is a criminal street gang as defined by Penal Code Section 186.22
7 and *People v. Englebrecht* (2001) 88 Cal.App.4th 1236, 1258;
- 8 • Defendant DBG, through its members, has created a substantial and unreasonable
9 public nuisance in the City and County of San Francisco, within a geographic area
10 referred to as the "Safety Zone."
- 11 • Defendant DBG failed to answer or otherwise respond to the Summons and
12 Complaint;
- 13 • Defendant DBG's default was properly entered on December 17, 2010;
- 14 • Defendant DBG criminal street gang was properly enjoined by a preliminary gang
15 abatement injunction issued by this Court on September 30, 2010;
- 16 • Defendant DBG criminal street gang may properly be permanently enjoined.
- 17 • Defendant DBG's members include each of the 25 persons listed on the "List For
18 Service And Enforcement Of Permanent Gang Injunction," attached hereto as
19 Exhibit A (hereinafter "Enforcement List");

20 As to Defendant TOWERSIDE GANG criminal street gang, Default Judgment in the form
21 of a Permanent Gang Injunction is GRANTED. This Court finds by clear and convincing evidence
22 the following against Defendant TOWERSIDE criminal street gang:

- 23 • Defendant TOWERSIDE was properly and adequately noticed, properly served with
24 the Summons and Complaint, and adequately provided with an opportunity to be
25 heard;
- 26 • Defendant TOWERSIDE is a criminal street gang as defined by Penal Code Section
27 186.22 and *People v. Englebrecht* (2001) 88 Cal.App.4th 1236, 1258;

- 1 • Defendant TOWERSIDE, through its members, has created a substantial and
- 2 unreasonable public nuisance in the City and County of San Francisco, within a
- 3 geographic area referred to as the "Safety Zone."
- 4 • Defendant TOWERSIDE failed to answer or otherwise respond to the Summons and
- 5 Complaint;
- 6 • Defendant TOWERSIDE's default was properly entered on December 17, 2010;
- 7 • Defendant TOWERSIDE criminal street gang was properly enjoined by a
- 8 preliminary gang abatement injunction issued by this Court on September 30, 2010;
- 9 • Defendant TOWERSIDE criminal street gang may properly be permanently
- 10 enjoined.
- 11 • Defendant TOWERSIDE's members include each of the 16 persons listed on the
- 12 "List For Service And Enforcement Of Permanent Gang Injunction," attached hereto
- 13 as Exhibit A (hereinafter "Enforcement List")

14 **GOOD CAUSE HAVING BEEN SHOWN, IT IS ORDERED, ADJUDGED AND**

15 **DECREED** that Defendants DBG and TOWERSIDE criminal street gangs, and the members of

16 Defendants DBG and TOWERSIDE criminal street gangs, as designated on the Enforcement List,

17 are enjoined and restrained from engaging in or performing directly or indirectly, any of the

18 following activities in the Safety Zone:

- 19 1. **INTIMIDATION:** Confronting, intimidating, annoying, harassing, threatening,
- 20 challenging, provoking, assaulting, or battering any person;
- 21 2. **GUNS OR DANGEROUS WEAPONS:** Anywhere in public view or place
- 22 accessible to the public, (1) possessing any gun, firearm, ammunition, or illegal
- 23 weapon as defined in Penal Code Section 12020, (2) knowingly remaining in the
- 24 presence of anyone who is in possession of such gun, firearm, ammunition or
- 25 illegal weapon, or (3) knowingly remaining in the presence of such gun, firearm,
- 26 ammunition, or illegal weapon;
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- 1 3. **GRAFFITI or GRAFFITI TOOLS:** Damaging, defacing, or marking any
2 public or private property of another, or possessing spray paint cans, felt tip
3 marker, or other graffiti tools as defined in Penal Code Section 594.2;
- 4 4. **DRUGS AND CONTROLLED SUBSTANCES:** (1) Selling, possessing,
5 manufacturing or using any controlled substance or related paraphernalia, as
6 defined in Health and Safety Code Section 11364, including, but not limited to,
7 rolling papers, smoking pipes of any kind, crack vials, and syringes, (2)
8 knowingly remaining in the presence of anyone selling, possessing, or using any
9 controlled substance or related paraphernalia, (3) knowingly remaining in the
10 presence of any controlled substance or such related paraphernalia, (4) driving
11 under the influence of any controlled substance, or (5) being under the influence
12 of drugs in public;
- 13 5. **TRESPASSING.** Being present on any private property, as well as any San
14 Francisco Housing Authority property or Mercy Housing property, unless you
15 are an authorized lessee thereof. If you are not an authorized lessee, and you are
16 not otherwise prohibited from being on the property, 1) you must at all times be
17 in the physical presence of the owner or authorized lessee; or 2) you must be in
18 possession of written consent by the owner or authorized lessee, to visit the
19 owner's or authorized lessee's specific unit, on a specific date and time.
- 20 6. **GANG SIGNS & SYMBOLS.** Displaying gang signs and symbols, including
21 all of the following: Down Below Gangsters, Down Below Gang, DBG, 324
22 (referring to the letters D, B, and G on a telephone key pad), Down the Hill,
23 Down Below, The/Tha/Da Low, Lo/w, Low Boys, LB, Sunnysdale, SD, Nolia
24 (referring to Magnolia, a New Orleans public housing development), N.O.
25 (referring to Nolia), Sunnysdale 42nd/42, 42 (referring to a parking lot at the
26 Sunnysdale Housing Development), 1800 Block (referring to the 1800 block of
27 Sunnysdale Avenue), 1700 Block (referring to the 1700 block of Sunnysdale
28 Avenue), 1600 Block (referring to the 1500 block of Sunnysdale Avenue), 1500

1 Block (referring to the 1500 block of Sunnydale Avenue), Spunk Squad, YGs,
2 Young Guns/z, Young, Young Guns/z, YYGs, Borderline, BL, Borderline Posse,
3 Borderline Players, BLP, 257 (referring to the letters B, L, and P on a telephone
4 key pad), Border Low, Swampy D, The Swamp, Geneva Towers, Towerside,
5 Towers, Tower Block, TB, T, T-Side, 33, 33rd, The/a 3s, 312, 1100 Block
6 (referring to 1100 Block of Sunnydale Avenue), Brick Home Posse, BHP, Brick
7 Homes, The Bricks, and Bricks..

8 7. **ASSOCIATION.** Standing, sitting, walking, driving, talking, or gathering
9 anywhere in the public view with any known member of either DBG or
10 TOWERSIDE Criminal Street Gangs, except: 1) when all individuals are inside
11 a school in class or on school business; and 2) when all individuals are inside a
12 church. This prohibition against associating with other gang members applies to
13 all travel to or from school or church, and to any congregating before school or
14 church or after school or church. This prohibition does not prohibit gang
15 members from working or obtaining social services (or traveling to/from) within
16 the Safety Zone, as long as the gang members avoid associating with each other
17 in the public view while they are working or obtaining social services (or
18 traveling to/from). Public view is anywhere visible to the public.

19 8. **LOITERING.** Loitering in a public place in a manner and under circumstances
20 manifesting the purpose and with the intent to commit an offense specified in
21 Chapter 6 of the Health and Safety Code, commencing with Section 11400, as
22 defined by and in accordance with Health and Safety Code Sections 11530 and
23 11532(b);

24 9. **VIOLATION OF OTHER LAWS.** Violating any federal, state or local law
25 that (1) prohibits violence and threatened violence including murder, rape,
26 robbery by force or fear, assault and battery, (2) prohibits interference with the
27 property rights of others including trespass, theft, driving or taking a vehicle
28 without the owner's consent, and vandalism, or (3) prohibits the commission of

1 acts which create a nuisance including the illegal sale of controlled substances,
2 loitering with the intent to commit a narcotics-related offense, using, consuming,
3 or possessing alcoholic beverages in an unlawful manner, and blocking the
4 sidewalk;

5 **IT IS FURTHER ORDERED** that each gang member shall be subject to the
6 provisions of this Permanent Injunction when that individual has been personally served with this
7 Permanent Injunction.

8 **IT IS FURTHER ORDERED** that the Permanent Injunction is subject to
9 modification by any party to the action upon noticed motion, while the Enforcement List is subject
10 to modification by any party to the action or by any person named on the Enforcement List who has
11 been served with the Permanent Injunction. Any person or party seeking to modify the
12 Enforcement List, including motions brought by named gang members to be removed from the
13 Enforcement List or motions brought by the People to add additional persons to the Enforcement
14 List, must make a properly noticed motion in accordance with California Code of Civil Procedure,
15 the Rules of Court and applicable local rules. If a gang member seeks to be removed from the
16 Enforcement List, he may contact the City Attorney's Office and partake in their administrative
17 process, followed by a motion to the Court, or he may file a motion directly to the Court, serving
18 Plaintiff through the City Attorney's Office. If the People seek to add persons to the Enforcement
19 List, they shall serve the motion on each individual it seeks to add, and send copies to any other
20 person who, at the time of the filing, is 1) a party to the action; and 2) has made an appearance in
21 the case. It shall not be a defense to any civil or criminal contempt charge, or civil or criminal
22 charge of any nature whatsoever, that the moving party is eligible to apply for relief under this
23 provision.

1 **IT IS FURTHER ORDERED** that the People shall not be required to post an
2 undertaking pursuant to Code of Civil Procedure Section 529(b)(3). Plaintiff waived costs. Each
3 party shall bear its own costs in this action.
4
5

6 DATED:

FEB 17 2011

ELLEN CHAITIN

HON. ELLEN CHAITIN
JUDGE OF THE SUPERIOR COURT

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EXHIBIT A

LIST OF DBG AND TOWERSIDE GANG MEMBERS
TO BE ENJOINED

| | NAME | GANG | MONIKER |
|-----|----------------------|-----------|----------------|
| 1. | Beard, Sean | DBG | "Dough" |
| 2. | Beasley, Alfonzo | Towerside | "B" |
| 3. | Boston, Lashawn | Towerside | "Snigs" |
| 4. | Brown, Emon | DBG | "Flav/e" |
| 5. | Byes, Christopher | DBG | "C&H" |
| 6. | Byes, Deshawn | DBG | "Posso" |
| 7. | Calloway, Allen | DBG | "Nutso" |
| 8. | Crawford, Tantrell | DBG | "Trail Mix" |
| 9. | Dixon, Howard | Towerside | "Howie T" |
| 10. | Dogan, Deon | Towerside | "Uno" |
| 11. | Durant, Anthony | DBG | "Ant" |
| 12. | Floyd, Edgar | Towerside | "Arrow" |
| 13. | Floyd, Vincent | Towerside | "VC" |
| 14. | Gaines, Marcus | Towerside | "Young Monz" |
| 15. | Glaspie, Frederick | Towerside | "Ace" |
| 16. | Glass, Stephen | DBG | "Stevie Mac" |
| 17. | Green, Alsedee | DBG | "Jizz Mac" |
| 18. | Jackson, Floyd | DBG | "Freak" |
| 19. | Johnson, Ennis | Towerside | "Kiss" |
| 20. | Johnson, Kalaan | Towerside | "KK" |
| 21. | Jones, Jason | DBG | "Jumbo" |
| 22. | Jordan, Jordan | DBG | "J.O." |
| 23. | Justin, Ceabe | Towerside | "CB" |
| 24. | Ledbetter, Llewellyn | DBG | |
| 25. | Lefiti, Samoa | DBG | "Kilo" |
| 26. | McCroey, Cedric | Towerside | "CD" |
| 27. | McCroey, Corey | Towerside | "C Baby" |
| 28. | Mitchell, Kevin | DBG | "Duke" |
| 29. | Mitchell, Kim | DBG | "KI" |
| 30. | Pellette, Wallace | DBG | "Gator/Swally" |
| 31. | Price, Alex | DBG | "Pee Wee" |
| 32. | Punzal, Michael | Towerside | "Snacks" |
| 33. | Reed, Deantray | DBG | "Tray/Dee" |
| 34. | Rodgers, Raymond | DBG | "Boo Gotti" |
| 35. | Rose, Manuel | DBG | "Fresh" |
| 36. | Smith, Joseph | DBG | "Stubb/z" |
| 37. | Ware, Orlando | Towerside | "Anthony" |
| 38. | Washington, George | DBG | "G-Thang" |
| 39. | Wilson, Joc | DBG | "Joc" |
| 40. | Woodson, Aliton | DBG | "Tiggz" |
| 41. | Young, Diondre | Towerside | "D-Nice/Jack" |