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**ENDORSED
FILED**
San Francisco County Superior Court

AUG 17 2011

CLERK OF THE COURT
BY: JHULIEROQUE
Deputy Clerk

7 Attorneys for Plaintiff
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9
10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF SAN FRANCISCO
12 UNLIMITED JURISDICTION

13 THE 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.
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19 OAKDALE MOB, a criminal street gang
20 sued as an unincorporated association; and
DOES 1—100,

21 Defendants.
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Case No. CGC 06 456517

ORDER GRANTING PLAINTIFF'S
MOTION TO MODIFY PERMANENT
INJUNCTION TO ADD NINE
ADDITIONAL GANG MEMBERS FOR
ENFORCEMENT AND TO REMOVE
TWO DECEASED MEMBERS
California Civil Code §3424, California
Code of Civil Procedure §533

Hearing Date: August 17, 2011
Hearing Judge: Busch
Time: 9:30 a.m.
Place: Department 301

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1 Plaintiff People of the State of California's Motion To Modify Permanent Injunction To Add
2 Nine Additional Gang Members For Enforcement And To Remove Two Deceased Members came
3 on regularly for hearing at 9:30 a.m. on August 17, 2011 in Courtroom 301 of the above captioned
4 Court. Plaintiff appeared through its counsel of record, Deputy City Attorneys Jennifer Choi and
5 Jill Cannon. Defendant Oakdale Mob criminal street gang failed to appear despite receiving proper
6 notice of the Motion. The Honorable Peter F. Busch presiding.

7 Having read and considered the moving papers and evidence filed herein, and no Opposition
8 papers having been filed, Plaintiff's Motion to Modify Permanent Injunction is **GRANTED**.

9 On March 15, 2007, the San Francisco Superior Court granted the Permanent Injunction in
10 the present case after finding by clear and convincing evidence that: (1) Defendant Oakdale Mob is a
11 criminal street gang as defined by California Penal Code §186.22 and *People v. Englebrecht* (2001)
12 88 Cal.App.4th 1236, 1258, (2) a public nuisance exists in the Safety Zone¹, and (3) the conduct and
13 activities of Oakdale Mob and its members is a cause of the public nuisance in the Safety Zone. The
14 Court authorized future modifications by noticed motion of any party.

15 On February 18, 2009, upon Plaintiff's Motion, this Court modified the Permanent Injunction
16 by adding six additional members for enforcement and removing three deceased members.

17 To enforce a civil gang injunction against a new individual, plaintiff must show that the
18 individual is an "active" member of the enjoined gang. *People v. Englebrecht* (2001) 88 Cal.App.4th
19 1236, 1261; *see also People ex rel Gregory D. Totnine v. Colonia Chiques* (2007) 156 Cal.App.4th
20 31, 43. This Court finds by clear and convincing evidence that Plaintiff has again met this burden,
21 and the following nine individuals are currently "active" members of Defendant Oakdale Mob
22 criminal street gang as defined by *People v. Englebrecht, supra*, 88 Cal.App.4th at 1261 and *People*
23 *ex rel Gregory D. Totnine v. Colonia Chiques, supra*, 156 Cal.App.4th at 43:

- 24 1. Jacori Bender (DOB 7/20/91)

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26 ¹ The Safety Zone is bound by Griffiths Street to the East, Palou Avenue to the South, Ingalls
27 Street to the West, and Navy Road to the North, continuing straight beyond the end of Navy Road to
28 where it would intersect with Ingalls Street, and including both side of those four boundary streets.

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- 5. Deonte Bennett (DOB 11/16/84)
- 6. Eric Brewer (DOB 5/3/89)
- 7. Shaun Britton (DOB 5/07/77)
- 8. Donte Brooks (DOB 7/29/91)
- 9. Geary Brown (DOB 9/12/78)
- 10. Gerardo Canon (DOB 2/22/90)
- 11. Namone Green (DOB 7/28/78)
- 12. Shanteak Harris (also known as Kinkaid) (DOB 5/18/81)
- 13. Antonio Johnson (DOB 7/13/80)
- 14. Curtis Jones (DOB 1/02/81)
- 15. Eric Jones (DOB 11/8/87)
- 16. Jerone Jones (DOB 2/20/90)
- 17. Keimareea Lake (DOB 6/18/89)
- 18. Tishan Lowe (DOB 10/22/91)
- 19. Kenyon McDowell (DOB 11/25/88)
- 20. Dymarea McGhee (also known as Dimaryea McGhee and Dimarea McGhee)
(DOB 12/27/88)
- 21. Ellis McGhee (DOB 5/06/86)
- 22. Michael Metcalf (DOB 1/30/88)
- 23. Demauriae Nolan (DOB 11/20/77)
- 24. James Powell (DOB 11/09/87)
- 25. Deshawn Range (DOB 11/13/80)
- 26. Sean Robinson (DOB 12/15/86)
- 27. Marion Tukes (DOB (1/17/92)
- 28. Andrew Whitfield (DOB 4/24/90)
- 29. Omar Williams (DOB 9/4/91)
- 30. Joseph Willis (DOB 5/05/78 & 4/10/77)

1 **31. Mario Woods (DOB 7/22/89)**

2 **32. Daven Woolfolk (DOB 11/19/85)**

3 The nine gang members added to the Permanent Injunction for enforcement by this Order
4 must be personally served with this Order and the March 15, 2007 Permanent Injunction before the
5 Injunction can be enforced against them.

6 **IT IS SO ORDERED.**

7
8 Dated:

 AUG 17 2011

PETER J. BUSCH

PETER J. BUSCH
JUDGE OF THE SUPERIOR COURT