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DEC 15 2009

LOS ANGELES
SUPERIOR COURT

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

PEOPLE OF THE STATE OF CALIFORNIA,
ex rel. Edmund G. Brown Jr., as the
Attorney General of the State of California,
and *ex rel.* Rockard J. Delgadillo, as the
City Attorney for the City of Los Angeles,

Plaintiff,

vs.

SWAN BLOODS (aka Swans, Family Swan
Bloods, FSB, Madd Swan Bloods, MSB, Bird
Gang Bloods, BGB), FLORENCIA 13 (aka
Florence, F13, FX3, EFE, Florence), MAIN
STREET CRIPS (aka Main Street, MSC), and
7-TREY HUSTLERS/GANGSTER CRIPS (aka
7-Trey Hustlers, 73 Hustlers, 7-Trey Gangsters,
7-Trey Gangsta Crips, 7-Trey Gangstas), each a
criminal street gang sued as an unincorporated
association; and DOES 1 through 300, inclusive,

Defendants.

Case No.: BC415694
(Unlimited civil case)

~~PROPOSED~~

JUDGMENT GRANTING PERMANENT
INJUNCTION AFTER DEFAULT

Assigned for all purposes (except for the
OSC re Preliminary Injunction) to the
Honorable John A. Kronstadt, Dept. 30

Case Filed: June 12, 2009

Plaintiff, the People of the State of California, *ex rel.* Edmund G. Brown Jr., as the Attorney
General of the State of California, and *ex rel.* Carmen A. Trutanich, as the City Attorney for the City of
Los Angeles ("the People"), applied for a permanent injunction to enjoin Defendants **Swan Bloods,**
Florence 13, Main Street Crips, and 7-Trey Hustlers/Gangster Crips from engaging in conduct and
activities that (1) interfere by threats, intimidation, and coercion, or attempt to interfere by threats,
intimidation, and coercion, with the peaceable exercise and enjoyment by Fremont High School students

1 of their constitutional rights to travel safely to and from school to receive a public education on a safe,
2 secure, and peaceful campus, in violation of the Bane Civil Rights Act (Civ. Code, § 52.1); and (2)
3 constitute a public nuisance, in violation of Civil Code sections 3479 and 3480, within the Fremont Free
4 Passage Safety Zone (hereinafter "Safety Zone," a map of which is attached as Exhibit 1), located in the
5 City of Los Angeles, County of Los Angeles, State of California and bounded by Florence Avenue to
6 the north, Central Avenue to the east, Manchester Avenue to the south, and the 110 Freeway to the west
7 (but not including the roadbed of the freeway), and extending 100 yards to the outside of each of these
8 boundaries, and are caused by Defendant **SWAN BLOODS** and its members including, but not limited
9 to, Derrick Browning, Demonte Daniels, Ray Gammage, Derek Hall, Steve Hawkins, Damien
10 Henderson, Kip Henry, Antonio Hernandez, Nyerere Jase, Floyd Leslie, Charlie Melchor, Gerald
11 Morris, Deandre Ross, Donald Trotter, Mister Young, and Terrence Williams (hereinafter known as
12 "**Designated Swan Bloods Gang Members**" and depicted in photographs attached as Exhibit 2), and
13 all persons acting under, in concert with, for the benefit of, at the direction of, or in association with
14 them or any of them, and Defendant **FLORENCIA 13** and its members including, but not limited to,
15 Raul Garcia, Jr., Christopher Gonzalez, Eric Maqueda, Giovanni Mendez, Irvin Mendez, Juan Miranda,
16 Hugo Pineda, Abel Rosas, Jr., Juan Tamayo, and Saul Tamayo (hereinafter known as "**Designated**
17 **Florencia 13 Gang Members**" and depicted in photographs attached as Exhibit 3), and all persons
18 acting under, in concert with, for the benefit of, at the direction of, or in association with them or any of
19 them, and Defendant **MAIN STREET CRIPS** and its members including, but not limited to, Ronnie
20 Bennett, Torry Brown, Dante Calvin, Courtney Daniels, Jermaine Durley, Diondre Green, Carlton
21 Mayham, Stacey Morgan, Walter Perkins, and Daveon Rand (hereinafter known as "**Designated Main**
22 **Street Crips Gang Members**" and depicted in photographs attached as Exhibit 4), and all persons
23 acting under, in concert with, for the benefit of, at the direction of, or in association with them or any of
24 them, and Defendant **7-TREY HUSTLERS/GANGSTER CRIPS** and its members including, but not
25 limited to, Ervin Cavitt, Alex Clark, Yasmayne Craddock, Dontae Kelly, Maurice Luster, Richard
26 Marcario, Kenneth Moore, Kenneth Nicholson, and Nadir Parker (hereinafter known as "**Designated 7-**
27 **Trey Hustlers/Gangster Crips Gang Members**" and depicted in photographs attached as Exhibit 5),
28 and all persons acting under, in concert with, for the benefit of, at the direction of, or in association with

1 them or any of them.

2 After due consideration of all documents filed by the People in this action, including all
3 declarations, plaintiff's memorandum of points and authorities including the Bane Act (Civ. Code, §
4 52.1), the California Constitution (art. IX, § 5; art. I, § 28, subd. (f)(1); art. I, § 28, subd. (a)(7)); *In re*
5 *White* (1979) 97 Cal.App.3d 141, 148-149; *People ex rel. Gallo v. Acuna* (1997) 14 Cal.4th 1090,
6 *People v. Colonia Chiques* (2007) 156 Cal.App.4th 31, *People v. Englebrecht* (2001) 88 Cal.App.4th
7 1236, *In re Englebrecht* (1998) 67 Cal.App.4th 486, and other evidence submitted, and having heard
8 arguments of counsel, this Court makes the following findings, by clear and convincing evidence:

- 9 1. Service on Defendants Swan Bloods, Florencia 13, Main Street Crips, and 7-Trey
10 Hustlers/Gangster Crips is proper;
- 11 2. Defendants Swan Bloods, Florencia 13, Main Street Crips, and 7-Trey Hustlers/Gangster
12 Crips are each an unincorporated association as defined in Code of Civil Procedure
13 section 369.5;
- 14 3. Defendants Swan Bloods, Florencia 13, Main Street Crips, and 7-Trey Hustlers/Gangster
15 Crips are each a "criminal street gang" as defined in Penal Code section 186.22,
16 subdivision (f) (Street Terrorism and Prevention Act);
- 17 4. Defendants Swan Bloods, Florencia 13, Main Street Crips, and 7-Trey Hustlers/Gangster
18 Crips are each a "gang" as defined for the purposes of a gang abatement injunction in
19 *People v. Englebrecht, supra*, 88 Cal.App.4th at p. 1258;
- 20 5. Defendants Swan Bloods, Florencia 13, Main Street Crips, and 7-Trey Hustlers/Gangster
21 Crips have violated the Bane Civil Rights Act, by interfering and by attempting to
22 interfere, by threats, intimidation, and coercion, with the peaceable exercise and
23 enjoyment by Fremont High School students of their constitutional right to receive a
24 public education;
- 25 6. Defendants Swan Bloods, Florencia 13, Main Street Crips, and 7-Trey Hustlers/Gangster
26 Crips each have violated the Bane Civil Rights Act, by interfering and by attempting to
27 interfere, by threats, intimidation, and coercion, with the peaceable exercise and
28 enjoyment by Fremont High School students of their constitutional right to attend a

1 campus that is safe, secure and peaceful;

2 7. Defendants Swan Bloods, Florencia 13, Main Street Crips, and 7-Trey Hustlers/Gangster
3 Crips each have violated the Bane Civil Rights Act, by interfering and by attempting to
4 interfere by threats, intimidation, and coercion, with the peaceable exercise and
5 enjoyment by Fremont High School students of their constitutional right to travel safely
6 to and from Fremont High School;

7 8. A public nuisance pursuant to Civil Code sections 3479 and 3480, which a gang
8 injunction may properly abate, exists in the Safety Zone; and

9 9. The conduct and activities of Defendants Swan Bloods, Main Street Crips, and 7-Trey
10 Hustlers/Gangster Crips, acting through their respective members, and all persons acting
11 under, in concert with, for the benefit of, at the direction of, or in association with them,
12 individually and collectively, have caused and continue to cause the public nuisance that
13 exists in the Safety Zone.

14 **GOOD CAUSE HAVING BEEN SHOWN, IT IS HEREBY ORDERED:**

15 1. That **Defendant SWAN BLOODS**, and its members including, but not limited to, all
16 individuals listed as “Designated Swan Bloods Gang Members” (and depicted in Exhibit 2) and all
17 persons acting under, in concert with, for the benefit of, at the direction of, or in association with them
18 or any of them, and **Defendant FLORENCIA 13**, and its members including, but not limited to, all
19 individuals listed as “Designated Florencia 13 Gang Members” (and depicted in Exhibit 3) and all
20 persons acting under, in concert with, for the benefit of, at the direction of, or in association with them
21 or any of them, and **Defendant MAIN STREET CRIPS**, and its members including, but not limited to,
22 all individuals listed as “Designated Main Street Crips Gang Members” (and depicted in Exhibit 4) and
23 all persons acting under, in concert with, for the benefit of, at the direction of, or in association with
24 them or any of them, and **Defendant 7-TREY HUSTLERS/GANGSTER CRIPS**, and its members
25 including, but not limited to, all individuals listed as “Designated 7-Trey Hustlers/Gangster Crips Gang
26 Members” (and depicted in Exhibit 5) and all persons acting under, in concert with, for the benefit of, at
27 the direction of, or in association with them or any of them, are enjoined and restrained from engaging in
28 or performing, directly or indirectly, any of the following activities in the Safety Zone:

1 a. **Do Not Associate:** Standing, sitting, walking, driving, gathering or appearing
2 anywhere in public view, in a public place or in any place accessible to the public, with any other known
3 member of Defendants SWAN BLOODS, FLORENCIA 13, MAIN STREET CRIPS, and 7-TREY
4 HUSTLERS/GANGSTER CRIPS, including, but not limited to, all individuals listed as “Designated
5 Swan Bloods Gang Members,” “Designated Florencia 13 Gang Members,” “Designated Main Street
6 Crips Gang Members” or “Designated 7-Trey Hustlers/Gangster Crips Gang Members.” This
7 prohibition shall not apply in either of the following situations: (1) when an enjoined person is inside
8 the premises of a licensed school attending class or conducting school business, or (2) when an enjoined
9 person is inside the premises of a church or religious institution for purposes of worship. This
10 prohibition against associating shall apply to all methods of travel to and from any of the
11 aforementioned permissible locations. For purposes of this Order, “public place” means any place open
12 to the general public or a substantial group of the general public, including, but not limited to, hospitals,
13 transport facilities, and parks. For purposes of this Order, “accessible to the public” means any place to
14 which the general public or a substantial group of the general public has access, including, but not
15 limited to, sidewalks, alleys, streets, parks, driveways, walkways, common areas of apartment buildings,
16 parking lots, stores and shops;

17 b. **No Intimidation:** Confronting, intimidating, annoying, harassing, threatening,
18 challenging, provoking, assaulting, or battering any person who lives in, works in, visits or passes
19 through the Safety Zone, or any person known to be a witness to, or victim of, any SWAN BLOODS,
20 FLORENCIA 13, MAIN STREET CRIPS, and 7-TREY HUSTLERS/GANGSTER CRIPS gang
21 activity, or any person known to have complained about any gang activity by members of SWAN
22 BLOODS, FLORENCIA 13, MAIN STREET CRIPS, and 7-TREY HUSTLERS/GANGSTER CRIPS;

23 c. **No Firearms, Imitation Firearms, Ammunition, or Dangerous or Illegal**
24 **Weapons:** (1) Possessing any firearm, imitation firearm, ammunition, dangerous weapon (defined as
25 any fixed or folding knife with a blade two inches or longer), or illegal weapon as defined in Penal Code
26 section 12020, whether or not concealed, while in public view, in a public place or in any place
27 accessible to the public, (2) knowingly remaining in the presence of anyone who is in possession of such
28 firearm, imitation firearm, ammunition, dangerous weapon or illegal weapon while in public view, in a

1 public place or in any place accessible to the public, or (3) knowingly remaining in the presence of such
2 firearm, imitation firearm, ammunition, dangerous weapon or illegal weapon while in public view, in a
3 public place or in any place accessible to the public;

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

10 e. **No Lookouts:** Acting as a lookout by whistling, yelling, or otherwise signaling,
11 by any means, including, but not limited to, hand signals, walkie-talkies, or cellular telephones, to warn
12 another person engaged in unlawful or nuisance activity of the approach of law enforcement officers, or
13 soliciting, encouraging, coercing or employing another person to act as such lookout;

14 f. **No Obstructing Traffic:** Obstructing, impeding or blocking the free passage of
15 any person or vehicle on any street, walkway, sidewalk, driveway, alley, parking lot or any other area
16 accessible to the public;

17 g. **Stay Away From Alcohol:** (1) Drinking or possessing an open container of an
18 alcoholic beverage in public view, in a public place or in any place accessible to the public, (2)
19 knowingly remaining in the presence of anyone possessing an open container of an alcoholic beverage
20 in public view, in a public place or in any place accessible to the public, or (3) knowingly remaining in
21 the presence of an open container of an alcoholic beverage in public view, in a public place or in any
22 place accessible to the public;

23 h. **No Graffiti or Vandalism Tools:** Damaging, defacing, marking, painting or
24 otherwise applying graffiti to any public or private property, or possessing any aerosol paint container,
25 felt tip marker or other etching or marking substance as defined in Penal Code sections 594.1 and 594.2,
26 which can be used to paint, spray paint, etch, mark, draw or otherwise apply graffiti;

27 i. **No Loitering:** Loitering in public view, in a public place or in any place
28 accessible to the public for the purpose of engaging in graffiti, drug-related activity or any other

1 unlawful or nuisance activity;

2 j. **No Trespassing:** Being present in or on the property of another person that is not
3 open to the general public, except (1) with the prior written consent of the owner, owner's agent or
4 person in lawful possession of the property, or (2) in the presence of and with the voluntary consent of
5 the owner, owner's agent or person in lawful possession of the property. For purposes of this provision,
6 the prior written consent must be carried on the enjoined person at the time he or she is visiting the
7 property not open to the general public and must be presented when requested by any peace officer;

8 k. **Obey Night Time Curfew:** Being present in public view, in a public place, or in
9 any place accessible to the public, between the hours of 10:00 p.m. and 5:00 a.m., unless:

- 10 1) Going directly to, returning directly from, or actively engaged in a legitimate
11 business, trade, profession or occupation requiring the enjoined person's
12 presence; or
13 2) Going directly to, returning directly from, or actively engaged in a lawful, non-
14 gang related entertainment event; or
15 3) Actively involved in a legitimate emergency, such as a fire, natural disaster,
16 automobile accident, or other unforeseen combination of circumstances or the
17 resulting state that calls for immediate action to prevent serious bodily injury or
18 loss of life; and

19 l. **Obey All Laws:** Failing to obey all laws, including (1) those that prohibit
20 violence or threatened violence, including, but not limited to, murder, intimidation, rape, robbery by
21 force or fear, assault or battery, (2) those that prohibit interference with the property rights of others,
22 including, but not limited to trespass, theft, vandalism, or the driving or taking of a vehicle without the
23 owner's consent, (3) those that prohibit the commission of acts that create a nuisance, including, but not
24 limited to, the illegal sale of controlled substances, blocking the sidewalk and street and violations of the
25 Los Angeles Municipal Code, and (4) any lawful orders of the Court;

26 2. That is Order include a **Hardship Exemption**, by which any member of Defendants
27 SWAN BLOODS, FLORENCIA 13, MAIN STREET CRIPS, and 7-TREY HUSTLERS/GANGSTER
28 CRIPS, or any person who has been served with this injunction (hereinafter "Served Person") may

1 receive a specific exemption from portions of the “Do Not Associate” and/or “Obey Night Time
2 Curfew” provisions, as long as Served Person complies with the following process:

3 a. A written application for such exemption is to be made to the Los Angeles City
4 Attorney’s Office, Gang Division, Attention DCA Kelly Huynh, at 200 N. Main Street, City Hall East,
5 9th Floor, Room 966, Los Angeles, CA 90012;

6 b. The application must be specific in that it must request permission to associate
7 with only a named individual or named individuals, at specific times and in specific places, when such
8 association is reasonably necessary for some legitimate purpose. Served Person may also request
9 permission to be present in a specific public place between 10:00 p.m. and 5:00 a.m., when it is
10 reasonably necessary to be in that particular public place at a particular time during the above-mentioned
11 hours; and

12 c. If such application is made and not granted within (10) days after it is delivered or
13 fifteen (15) days after it is mailed, Served Person may apply to this Court for such an exemption by
14 noticed motion.

15 d. If such application is granted, written proof of the Hardship Exemption must be
16 carried by Served Person and must be presented to any peace officer upon request;

17 3. That is Order include an **Opt-Out Provision**, by which any member of Defendants
18 SWAN BLOODS, FLORENCIA 13, MAIN STREET CRIPS, and 7-TREY HUSTLERS/GANGSTER
19 CRIPS, or any person who has been served with this injunction (hereinafter “Served Person”) may move
20 this Court under this Opt-Out Provision for an order to be dismissed from this action. Plaintiff agrees
21 not to object to Served Person’s motion to dismiss him or her from this Order, as long as such dismissal
22 is to be without prejudice and shall not operate as a retraxit in any other action, with each side bearing
23 its own costs and fees, and as long as Served Person’s motion satisfies each of the following
24 requirements:

25 a. **Proper Notice:** A motion under this Opt-Out Provision shall be made on proper
26 notice, properly served on Plaintiff’s counsel, and shall not be made on shortened time;

27 b. **No Longer a Gang Member:** Served Person must truthfully declare, under
28 penalty of perjury, that he/she is not or is no longer a member of the SWAN BLOODS, FLORENCIA

1 13, MAIN STREET CRIPS, or 7-TREY HUSTLERS/GANGSTER CRIPS, he/she is no longer active
2 with the SWAN BLOODS, FLORENCIA 13, MAIN STREET CRIPS, or 7-TREY HUSTLERS/
3 GANGSTER CRIPS gang, and he/she has not engaged in any gang activity or any criminal activity for a
4 period of three years immediately preceding the filing of such motion.

5 c. **No Third-Party Beneficiaries:** It shall not be a defense to any civil or criminal
6 contempt charge that Served Person was eligible to apply for dismissal under this Opt-Out Provision;

7 d. **No Effect in Other Proceedings:** Plaintiff shall not be bound by the criteria of
8 this Opt-Out Provision in any action, civil or criminal, other than a motion brought under this Provision
9 in this action;

10 e. **Judgment Not Admissible:** This Opt-Out Provision and any orders from it shall
11 not be admissible in any civil or criminal action, and cannot be used for or against Served Person for any
12 purpose whatsoever, other than in a civil or criminal contempt proceeding brought for a violation of this
13 Order; and

14 f. **Dismissed Served Person Committing New Violation:** If subsequent to
15 successfully obtaining an order of dismissal under this Opt-Out provision, Served Person violates
16 subsection b, then Served Person may be re-served with this Order and will be required to comply with
17 the terms and conditions of this Order;

18 4. That no person shall be subject to the provisions of this Order unless that person has been
19 personally served with this Order; and

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1 5. That, pursuant to Civil Code section 52.1, subdivision (i), a violation of this Order is a
2 crime punishable under Penal Code section 422.77.

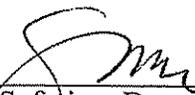
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4 DATED: DEC 15 2009

JOHN A. KRONSTADT
Judge of the Superior Court

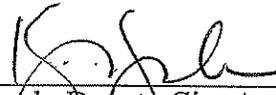
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6 Submitted on December 15, 2009

7 PEOPLE OF THE STATE OF CALIFORNIA

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