

ORIGINAL FILED
NOV 15 2004
LOS ANGELES
SUPERIOR COURT

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES (CENTRAL DISTRICT)

PEOPLE OF THE STATE OF CALIFORNIA,
ex rel. Rockard J. Delgadillo as the
City Attorney for the City of Los Angeles,

Plaintiff,

vs.

VARRIO NUEVO ESTRADA aka VNE,
an unincorporated association;
DOES 1 through 500, inclusive,

Defendants.

Case No. BC319981

~~PROPOSED~~
JUDGMENT GRANTING
PERMANENT INJUNCTION

Assigned for all purposes to the
Honorable James R. Dunn

DATE: N/A
TIME: N/A
PLACE: Dept 26
111 North Hill Street
Los Angeles, CA 90012

TRIAL DATE: Not Set
CASE FILED: August 12, 2004

Plaintiff, the People of the State of California, *ex rel.* Rockard J. Delgadillo as the City Attorney for the City of Los Angeles, filed a complaint on August 12, 2004, seeking to abate a public nuisance through the use of what is commonly known as a "gang injunction," against defendant Varrio Nuevo Estrada aka VNE ("VNE"), an unincorporated association alleged to be a criminal street gang, in a "Safety Zone" (as depicted in the map included as page 7 and incorporated herein) located in the City of Los Angeles, bounded by the Santa Ana (I-5) Freeway to the north, Soto Street to the west, and the Los Angeles City limits to the south and east, but not including the

1 roadbed of any freeway or portion thereof; plaintiff subsequently voluntarily dismissed without
2 prejudice all fictitious "Doe" defendants; default was duly entered against defendant VNE; after due
3 consideration of all papers filed in this action, including the declarations, requests for judicial notice,
4 and other evidence submitted, plaintiff's memorandum of points and authorities including *People v.*
5 *ex rel. Gallo v. Acuna*, 14 Cal. 4th 1090, *cert. denied*, 521 U.S. 1121 (1997); *People v. Englebrecht*,
6 88 Cal. App. 4th 1236 (2001); *In re Englebrecht*, 67 Cal. App. 4th 486 (1998), this Court finds by
7 clear and convincing evidence that service is proper under the circumstances and that (1) Varrio
8 Nuevo Estrada is also known as VNE; (2) VNE is a criminal street gang as defined in Penal Code
9 section 186.22 (Street Terrorism Enforcement and Prevention "STEP" Act) and is a gang as defined
10 for the purpose of a gang abatement injunction in *People v. Englebrecht*, 88 Cal. App. 4th 1236,
11 1258 (2001); and (3) the conduct and activities of defendant VNE and its members constitute a
12 public nuisance in the Safety Zone; and good cause appearing for entry of judgment,

13 **IT IS ORDERED, ADJUDGED AND DECREED** that:

14 1. Defendant VNE, its members, agents, servants, employees, and all persons acting under,
15 in concert with, for the benefit of, at the direction of, or in association with them or any of them, are
16 enjoined and restrained from engaging in or performing directly or indirectly, any of the following
17 activities in the Safety Zone:

18 a. **Do Not Associate:** Driving, standing, sitting, walking, or gathering,
19 anywhere in public view or anyplace accessible to the public, with any known member of VNE, but
20 not including: (1) when all individuals are inside a school attending class or on school business, (2)
21 when all individuals are inside a church, and (3) when all individuals are inside the Los Angeles
22 Youth Opportunity Movement ("LAYOM") located at 1260 S. Soto Street, Suite 16, Los Angeles,
23 California, and are enrolling in or are enrolled in and attending a youth development or workforce
24 development program established by LAYOM, or are present at the above location for the purpose of
25 obtaining services provided by or through the Gang Reduction Program ("GRP") and/or its affiliated
26 entities; provided however that this prohibition against associating shall apply to all claims of travel
27 to or from any of those locations;

28 b. **No Intimidation:** Confronting, intimidating, annoying, harassing,

1 threatening, challenging, provoking, assaulting or battering any person known to be a witness to any
2 activity of VNE, known to be a victim of any activity of VNE, or known to be a person who has
3 complained about any activity of VNE;

4 c. **No Guns or Dangerous Weapons:** Anywhere in public view or anyplace
5 accessible to the public, (1) possessing any gun, ammunition, or any weapon defined in Penal Code
6 section 12020, (2) knowingly remaining in the presence of anyone who is in possession of such gun,
7 ammunition or weapon, or (3) knowingly remaining in the presence of such gun, ammunition or
8 weapon;

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

14 e. **Stay Away From Alcohol:** Anywhere in public view or anyplace accessible
15 to the public, except on properly licensed premises, (1) possessing an open container of an alcoholic
16 beverage, (2) knowingly remaining in the presence of anyone possessing an open container of an
17 alcoholic beverage, or (3) knowingly remaining in the presence of an open container of an alcoholic
18 beverage;

19 f. **No Trespassing:** Being present on or in any property not open to the general
20 public, other than the Estrada Courts Housing Development, except (1) with the prior voluntary
21 written consent of the owner, owner's agent, or the person in lawful possession of the property, or
22 (2) in the presence of and with the voluntary consent of the owner, owner's agent, or the person in
23 lawful possession of the property;

24 g. **No Trespassing in Estrada Courts:** Being present on or in the Estrada
25 Courts Housing Development (the "Development"), except (1) with the prior voluntary written
26 consent of a person who is listed on a lease for the Development, which written consent shall be
27 presented to any peace officer or Housing Authority official upon request, or (2) in the presence of
28 and with the voluntary consent of a person who is listed on a lease for the Development. To be

1 valid, written consent must identify the authorizing party and unit number and be specific as to the
2 date and time for each entry into the Development. Such written consent shall be valid only in the
3 following areas: the authorizing party's unit, common areas in the building containing the unit,
4 access to parking for the unit, and a direct route to and from the building where the unit is located.
5 When the authorizing party is a parent, sibling, child, spouse, or a parent of a child of the person
6 authorized, all of the above restrictions apply with the exception that the written consent need not be
7 specific as to the date and time for each entry into the Development;

8 h. **Obey Curfew:** Being outside between the hours of 10:00 p.m. on any day
9 and sunrise of the following day, unless (1) going to or from a legitimate meeting or entertainment
10 activity, (2) actively engaged in some business, trade, profession or occupation which requires such
11 presence, or (3) involved in a legitimate emergency situation that requires immediate attention;

12 I. **No Graffiti or Graffiti Tools:** Damaging, defacing, or marking any public
13 property or private property of another, or possessing any spray paint container or felt tip marker;
14 and

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

20 2. **Renunciation:** Any VNE gang member or any person who has been served with
21 this injunction (hereinafter "applicant") may move this Court under this provision for an order that
22 this judgment is not enforceable against him/her.

23 a. **Requirements:** Plaintiff agrees not to object to an applicant's motion to be
24 excluded from this judgment, so long as the exclusion is to be without prejudice and with each side
25 to bear its own costs and fees, and so long as the motion satisfies the following requirements:

26 I. **Proper Notice:** A motion under this provision shall be made on proper
27 notice properly served on plaintiff's counsel, and shall not be made on shortened time;

28 ii. **Public Renunciation:** Applicant must truthfully declare under penalty

1 of perjury that he/she is not or is no longer a VNE gang member, and that he/she has renounced the
2 VNE gang. Renunciation of the VNE criminal street gang is an essential part of this provision.

3 iii. Proof of Renunciation: The applicant must truthfully declare under
4 penalty of perjury that, for the continuous period of three (3) years preceding the date of the
5 renunciation, with the starting date being no earlier than the date of this judgment, and not including
6 any time spent incarcerated, any time on supervised release (parole or probation), and/or any time
7 spent outside the country after having been deported, all of the following are and have been true:

- 8 A. Applicant has not claimed membership in any gang;
- 9 B. Applicant has not associated with any gang members, other
10 than immediate family members;
- 11 C. Applicant has not obtained any new gang-related tattoos and/or
12 used, owned, or possessed any criminal street gang
13 paraphernalia;
- 14 D. Applicant has not been arrested for, committed, or assisted in
15 the commission of any felony or misdemeanor.
- 16 E. Applicant has in the 18 months prior to his/her renunciation
17 consistently (1) been gainfully employed and/or (2) has
18 attended an educational institution and made consistent
19 progress toward an educational goal that qualifies him/her for a
20 job, career, or a higher level of education. Applicant must
21 provide documentation substantiating his/her employment
22 and/or educational attendance.

23 iv. No Third-Party Beneficiaries: It shall not be a defense to any civil or
24 criminal contempt charge that the applicant was eligible to apply for this Renunciation provision.

25 b. No Effect in Other Proceedings: This provision and any orders resulting from
26 it shall not be admissible in any civil or criminal action, and cannot be used for or against an
27 applicant for any purpose whatsoever, other than in a civil or criminal contempt proceeding brought
28 for violation of this judgment.

1 c. Renounced Applicant Committing New Violation: Anyone who moves for
2 and successfully receives an order under this provision and who then violates any of subsections A
3 through D of (2)(a)(iii) above (by claiming membership in a gang, associating with known gang
4 members other than immediate family, obtaining any gang-related tattoos, possessing any gang
5 paraphernalia, or being arrested for, committing, or assisting in the commission of any felony or
6 misdemeanor), will, notwithstanding such order, be again subject to all of the provisions of this
7 Judgment Granting Permanent Injunction upon being re-served with this Judgment.

8 3. No Costs Plaintiff waived costs. Each party shall bear its own costs in this action.

9
10 DATED: NOV 15 2004

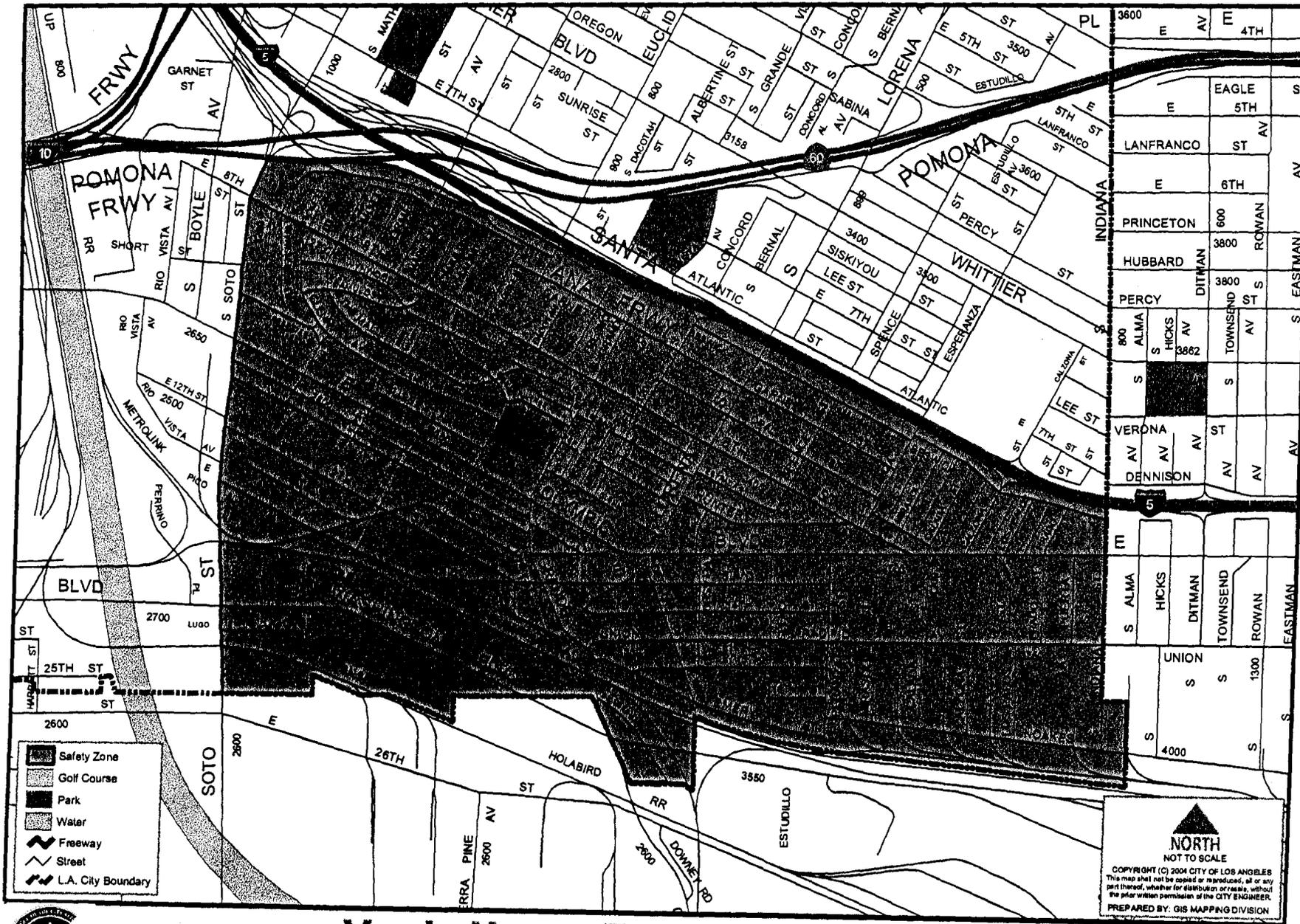
James R. Duran

Judge of the Superior Court

11
12 Submitted on October 7, 2004 by

13 ROCKARD J. DELGADILLO, Los Angeles City Attorney
14 Martin Vranicar, Ass't City Atty, Supervisor, Gang Unit
15 Max Shiner, Deputy City Attorney (187125)
200 North Main Street, 800 City Hall East
Los Angeles, California (213) 978-4090

16
17 Max Shiner
18 By: Max Shiner, Deputy City Attorney
19 Attorneys for Plaintiff,
20 People of the State of California
21
22
23
24
25
26
27
28



7

Varrío Nuevo Estrada Safety Zone

Office of the City Attorney
City of Los Angeles

NORTH
NOT TO SCALE

COPYRIGHT (C) 2004 CITY OF LOS ANGELES
This map shall not be copied or reproduced, in whole or in part, without the prior written permission of the CITY ENGINEER.
PREPARED BY: GIS MAPPING DIVISION

