

COPY

MICHAEL A. RAMOS  
District Attorney  
MARK A. VOS, SBN 190169  
Lead Deputy District Attorney  
Gang Injunction Unit  
412 W. Hospitality Ln., First Floor  
San Bernardino, CA 92415  
Telephone: (909) 891-3584; Fax (909) 891-3302  
Attorneys for Plaintiff,  
People of the State of California.  
(Exempt from filing fees. Govt. Code § 6103.)

FILED  
SUPERIOR COURT  
COUNTY OF SAN BERNARDINO  
RANCHO CUCAMONGA DISTRICT

APR 30 2012

BY Christina Bandfield  
CHRISTINA L. BANDFIELD, DEPUTY

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SAN BERNARDINO

THE PEOPLE OF THE STATE OF CALIFORNIA, *ex rel.* Michael A. Ramos, as the District Attorney for San Bernardino County,

Plaintiff,

vs.

CUCAMONGA KINGS, a criminal street gang as an unincorporated association.

Defendant.

Case No. CIVRS1200342  
(Unlimited Civil Case)

*Amended*  
~~PROPOSED~~ JUDGMENT  
GRANTING PERMANENT  
INJUNCTION; MAP OF SAFETY  
ZONE.)

Assigned for all purposes to the  
Honorable Joseph Briscoe, Judge  
Dept: R10

Default, having entered February 23, 2012, the court hereby enters judgment against defendant as follows:

1. The court finds by clear and convincing evidence that defendant Cucamonga Kings is a criminal street gang within the meaning of Penal Code section 186.22(f);
2. The court finds by clear and convincing evidence that defendant Cucamonga Kings is a criminal street gang for the purposes of a gang abatement injunction within the meaning of Civil Code sections 3479, 3480, and *People v. Engbrecht* (2001) 88 Cal.App.4th 1236, 1261;
3. The court finds by clear and convincing evidence that defendant Cucamonga Kings has caused, now causes and without abatement will continue to cause a public

1 nuisance in violation of Civil Code sections 3479 and 3480, within the proposed Safety  
2 Zone (depicted by the map attached as Exhibit 1 and incorporated herein), defined as:

3 a. The rectangular area in the City of Rancho Cucamonga,  
4 County of San Bernardino, California, informally known as  
5 "North Town" by its residents and others, bounded on the  
6 north by a straight, east-to-west line 500 ft. north of Arrow  
7 Route and running parallel with that street; on the east, by a  
8 north-to-south running line 500 feet east of Haven Avenue and  
9 running parallel with that street; on the south, an east to west  
10 running line 500 feet south of Acacia Street and running parallel  
11 with that street; and on the west, a south to north running line  
12 500 feet west of Archibald Avenue and parallel with that street.

13 4. To abate the public nuisance within the Safety Zone, the court now issues a  
14 permanent injunction ordering defendant Cucamonga Kings criminal street gang, all its  
15 members, and all those persons through whom it acts, while present in the Safety Zone,  
16 to comply with the following terms, which the court finds to be narrowly-tailored and  
17 commensurate with the evidence:

18 a. **No Presence at Old Town Park:** Do not be present at or within Old Town  
19 Park located at 10033 Feron Blvd., Rancho Cucamonga, CA 91730, including on  
20 its parking lots, or on its adjacent sidewalks and curbs on the north boundary,  
21 and do not come within five yards of the park's surrounding walls, fences and  
22 other perimeter demarcations on the park's western, eastern and southern  
23 boundaries.

24 b. **No Presence at Cucamonga Elementary School:** Do not be present on the  
25 campus of Cucamonga Elementary School located at 8677 Archibald Ave.,  
26 Rancho Cucamonga, CA 91730, including on its parking lots, or on its adjacent  
27 sidewalks and curbs, unless you are a parent or legal guardian of a student  
28

1 registered to attend that school and you presently are attending to school-  
2 sponsored affairs, or you are a school district employee presently engaged in  
3 district business, or you are lawfully engaged in the act of voting during an  
4 election where the School is serving as a polling place.

5 c. **No Presence at Rancho Cucamonga Middle School:** Do not be present on  
6 the campus of Rancho Cucamonga Middle School located at 10022 Feron Blvd.,  
7 Rancho Cucamonga, CA 91730, including on its parking lots, or on its adjacent  
8 sidewalks and curbs, unless you are a parent or legal guardian of a student  
9 registered to attend that school and you presently are attending to school-  
10 sponsored affairs, or you are a school district employee presently engaged in  
11 district business, or you are a student registered to attend that school and are  
12 presently attending a school-sponsored event, or you are lawfully engaged in the  
13 act of voting during an election where the School is serving as a polling place.

14 d. **No Presence in the Wash:** Do not be present in, on, or within 150  
15 feet of the east and west boundaries of, the wash running north and south  
16 through the Safety Zone, which wash is located halfway between Hermosa  
17 Avenue to the west, and Center Avenue to the east, and is a concrete-lined flood  
18 channel approximately 40-60 feet wide belonging and controlled by San  
19 Bernardino County Flood Control District.

20 e. **No Public Association With Other Gang Members:** Do not  
21 knowingly drive or ride in or on any vehicle with, or stand, sit, walk, run, gather,  
22 congregate, or appear anywhere in a public place with any other criminal street  
23 gang members, including members of defendant Cucamonga Kings. This term  
24 does not apply inside a church, or inside a school where subject persons are  
25 properly in attendance, or inside a place of business where subject persons are  
26 engaged in lawful employment.

1 f. **No Solicitation or Recruiting:** Do not solicit or recruit another  
2 person to actively participate in a criminal street gang including Cucamonga  
3 Kings.

4 g. **No Crimes or Nuisance Activities:** Do not yourself commit, or aid or  
5 abet any other person in committing, crime or nuisance activity.

6 h. **No Obstruction:** Do not resist, delay, or obstruct peace officers in the  
7 lawful performance of their duties, including by: (1) lying to peace officers, (2)  
8 warning other persons of police presence to aid in their commission of crime or  
9 nuisance activity or aid in their escape or destruction of evidence, (3) not  
10 immediately disclosing your true identity to a peace officer upon lawful request,  
11 (4) evading peace officers, or (5) by entering and hiding inside buildings or by  
12 trespassing, and (6) not obeying all lawful orders given by peace officers.

13 i. **No Witness Intimidation:** Do not confront, intimidate, annoy,  
14 harass, threaten, challenge, hinder, provoke, assault or batter any person thought  
15 to be a witness of or complainant about any suspected crime or nuisance activity  
16 by Cucamonga Kings gang members.

17 j. **No Public Display of Gang Signs and Symbols:** Do not publicly  
18 display or brandish Cucamonga Kings' common gang signs or symbols, or signs  
19 or symbols pertaining to the allied prison gang known as the Mexican Mafia,  
20 including by means of hand signs, tattoos, clothing, graffiti, photographs,  
21 electronic messages or depictions, and verbal "shout-outs," for the purpose of  
22 intimidating other persons, or for "claiming" territory for the gang, or for  
23 committing vandalism.

24 k. **No "Hitting Up" or Harassment:** Do not inquire or demand of  
25 another person about his or her possible membership, association or affiliation  
26 with any criminal street gang. Do not inquire or demand of any person where he  
27 or she is "from," or words to that effect, or where he or she is going, with the  
28

1 intent to intimidate, vex, annoy, or harass that person, or discourage that person  
2 from residing within or being present within the Safety Zone.

3 l. **No Entry Into or Interference With Another's Private Property:**

4 Do not enter, or attempt to enter, onto or into, or use, or interfere with, the  
5 private property of another without the owner's or controlling agent's or lawful  
6 tenant's consent.

7 m. **No Blocking Public Passageways:** Do not block or hinder persons  
8 from free use of public passageways, including streets and sidewalks.

9 n. **No Unlawful Use or Disposition of Controlled Substances:** Do  
10 not unlawfully buy, sell, give, transport, knowingly possess, use, abandon, or be  
11 under the influence of any controlled substances defined by Health and Safety  
12 Code section 11007, or attempt to do those things, or knowingly remain in the  
13 presence of any person doing or attempting to do any of those things.

14 o. **No Unlawful Possession or Disposal of Controlled Substance**  
15 **Paraphernalia:** Do not knowingly possess or unlawfully dispose of  
16 paraphernalia, tools or instruments intended for the unlawful manufacture or  
17 unlawful ingestion of controlled substances defined by Health and Safety Code  
18 section 11007, including smoking pipes and hypodermic syringes.

19 p. **No Possession or Transfer of Proceeds from Unlawful Sales of**  
20 **Controlled Substances:** Do not knowingly possess or transfer to another, money  
21 or property proceeds derived from unlawful sales of controlled substances  
22 defined by Health and Safety Code section 11007.

23 q. **No Loitering to Sell or Use Controlled Substances:** Do not loiter with  
24 the intent to unlawfully buy, sell, give, transport, knowingly possess, use,  
25 abandon, or be under the influence of, any controlled substances defined by  
26 Health and Safety Code section 11007.

1 r. **No Possession of Stolen Property:** Do not knowingly possess, sell,  
2 transport or give away stolen property, including motor vehicles.

3 s. **No Possession of Burglary Tools:** Do not knowingly possess  
4 "burglary tools" as that term is defined in Penal Code section 466.

5 t. **No Graffiti Vandalism or Possession of Graffiti Tools:** Do not  
6 commit graffiti vandalism as defined by Penal Code section 594, subsection (a)  
7 and (e), or knowingly possess graffiti tools as defined by Penal Code section  
8 594.2, including "slap tags."

9 u. **No Firearms, Imitation Firearms, Ammunition, Illegal Weapons:**

10 Anywhere in a public place, do not knowingly possess or remain in the  
11 presence of, any firearm, imitation firearm, ammunition, or illegal weapon as  
12 defined by Penal Code section 12020, or knowingly remain in the presence of any  
13 other person in possession of such.

14 v. **Limited Possession of Baseball and Softball Bats:** Do not in a public  
15 place knowingly possess a baseball or softball bat, or similar sports bat, unless  
16 you are travelling to or from a bona fide baseball or softball game to be played  
17 not in a public street, and the bat is locked in the trunk of a motor vehicle.  
18 Knowing possession of a baseball or softball bat inside the cab of, or an open bed  
19 of, a pickup truck will be in violation of this term. Lightweight and unaltered  
20 plastic toy bats are exempt from this term.

21 w. **No Littering:** Do not litter.

22 x. **Adult Curfew:** Do not be in or upon the public streets, highways,  
23 roads, alleys, parks, playgrounds, public buildings or other places open to the  
24 public, places of amusement, eating establishments, or any vacant lots between  
25 the hours of midnight and sunrise immediately following. This section shall not  
26 apply when you are traveling directly to or from your place of gainful  
27 employment, a medical appointment, or a church activity.  
28

1 y. **Obey City Ordinances:** Obey all Rancho Cucamonga Municipal Code  
2 Sections (RCMC) relevant to abating the nuisance, including:

- 3 i. RCMC section 8.21.035, banning smoking in public parks, trails and  
4 playgrounds.
- 5 ii. RCMC section 8.21.070, banning smoking in public restrooms.
- 6 iii. RCMC section 8.24.030, making graffiti vandalism a misdemeanor.
- 7 iv. RCMC section 9.16.020, which makes it unlawful for any person to  
8 consume any alcoholic beverage while upon any public street,  
9 alley, way, sidewalk or parkway, whether in a motor vehicle or  
10 otherwise...
- 11 v. RCMC section 12.04.010 B., which bans possession of an open  
12 container of alcohol beverage in a public park and consumption of  
13 alcoholic beverage in a public park.
- 14 vi. RCMC 12.04.010, banning littering in a public park.
- 15 vii. RCMC 9.26.010, which makes it unlawful for any person to loiter or  
16 stand or sit in or upon any public highway, alley, sidewalk or  
17 crosswalk so as to in any manner hinder or obstruct the free  
18 passage therein or thereon of persons or vehicles passing along the  
19 same.
- 20 viii. RCMC 9.30.010, which, with specified exceptions, makes it an  
21 infraction or misdemeanor for minors to be to be in or upon the  
22 public streets, highways, roads, alleys, parks, playgrounds, public  
23 buildings or other places open to the public, places of amusement,  
24 eating establishments, or any vacant lots between the hours of ten  
25 p.m. and sunrise of the day immediately following.

26 z. **Constitutional Construction:** The terms of this injunction shall be  
27 construed to abate the public nuisance to the maximum extent allowable,  
28

1 consistent with the Federal and State Constitutions and with applicable  
2 federal and state statutes.

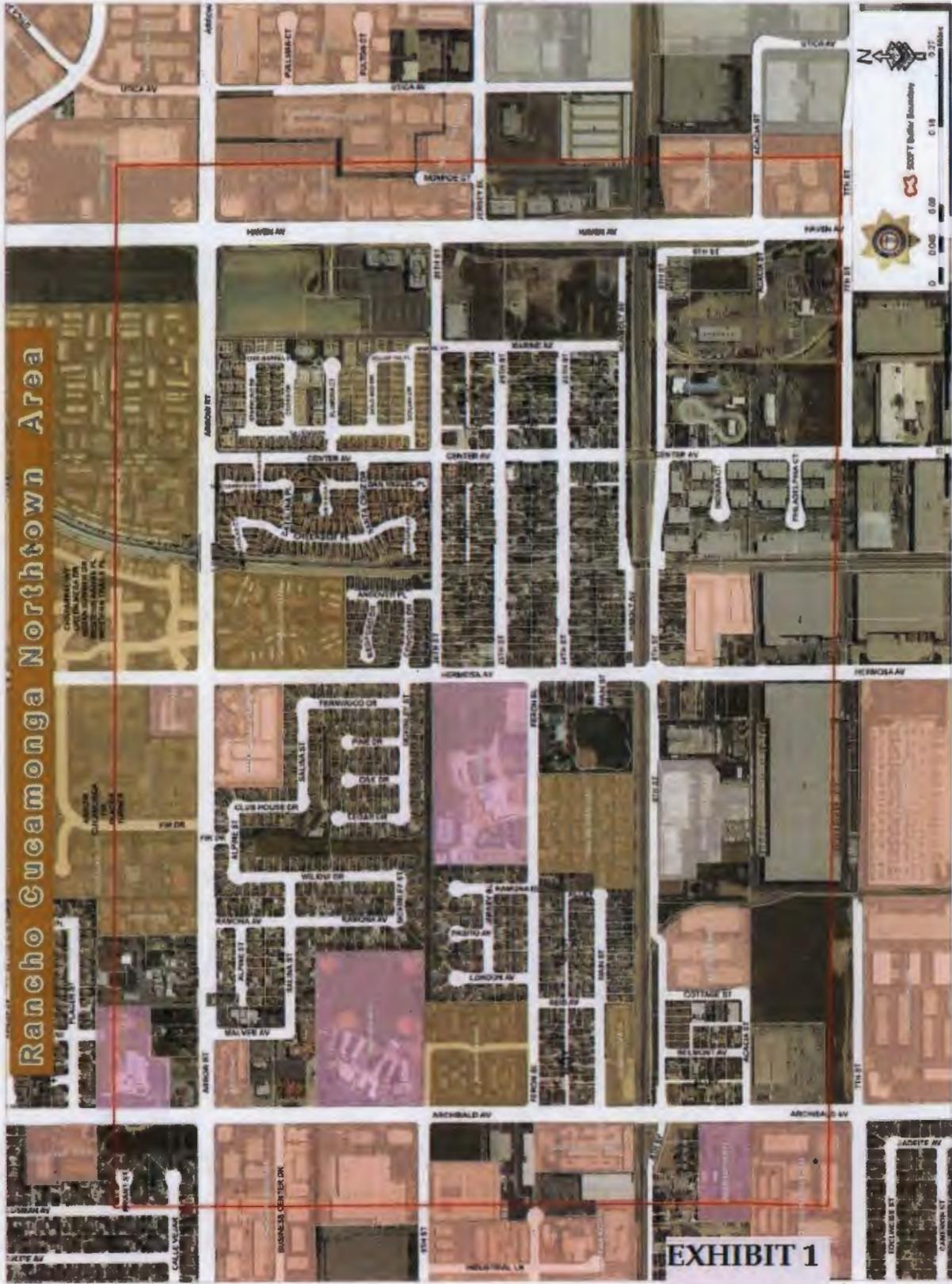
3 5. For such other and further relief as the Court may deem proper.  
4  
5

6 Pursuant to CCP 529(b)(3), no preliminary injunction bond is required, because  
7 Plaintiff is a public entity.  
8

9 Dated: APR 30 2012, 2012

10 JOSEPH R. BRISCO  
11 Judge of the Superior Court  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28



ORDER GRANTING PERMANENT INJUNCTION