

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):
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FILED-West District
San Bernardino County Clerk
JAN 17 2012
BY: Stacey Brandt DEPUTY

TELEPHONE NO.: (909) 891-3584 FAX NO.: (909) 891-3303
ATTORNEY FOR (Name): The People of the State of California
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Bernardino
STREET ADDRESS: 8303 Haven Avenue
MAILING ADDRESS:
CITY AND ZIP CODE: Rancho Cucamonga, CA 91730
BRANCH NAME: Rancho Cucamonga District, Civil Division

CASE NAME: People of the State of California, ex rel. Michael A. Ramos, San Bernardino County District Attorney, vs. Cucamonga Kings, a criminal street gang sued as an unincorporated association, and DOES 1 through 300

CIVIL CASE COVER SHEET
 Unlimited (Amount demanded exceeds \$25,000) **Limited** (Amount demanded is \$25,000 or less)
 Counter **Joinder**
Complex Case Designation
Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

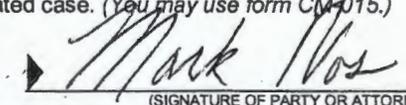
CASE NUMBER: CIVRS 1200342
JUDGE:
DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:
- | | | |
|--|--|---|
| Auto Tort
<input type="checkbox"/> Auto (22)
<input type="checkbox"/> Uninsured motorist (46)
Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort
<input type="checkbox"/> Asbestos (04)
<input type="checkbox"/> Product liability (24)
<input type="checkbox"/> Medical malpractice (45)
<input type="checkbox"/> Other PI/PD/WD (23)
Non-PI/PD/WD (Other) Tort
<input type="checkbox"/> Business tort/unfair business practice (07)
<input type="checkbox"/> Civil rights (08)
<input type="checkbox"/> Defamation (13)
<input type="checkbox"/> Fraud (18)
<input type="checkbox"/> Intellectual property (19)
<input type="checkbox"/> Professional negligence (25)
<input type="checkbox"/> Other non-PI/PD/WD tort (35)
Employment
<input type="checkbox"/> Wrongful termination (36)
<input type="checkbox"/> Other employment (15) | Contract
<input type="checkbox"/> Breach of contract/warranty (06)
<input type="checkbox"/> Rule 3.740 collections (09)
<input type="checkbox"/> Other collections (09)
<input type="checkbox"/> Insurance coverage (18)
<input type="checkbox"/> Other contract (37)
Real Property
<input type="checkbox"/> Eminent domain/Inverse condemnation (14)
<input type="checkbox"/> Wrongful eviction (33)
<input type="checkbox"/> Other real property (26)
Unlawful Detainer
<input type="checkbox"/> Commercial (31)
<input type="checkbox"/> Residential (32)
<input type="checkbox"/> Drugs (38)
Judicial Review
<input type="checkbox"/> Asset forfeiture (05)
<input type="checkbox"/> Petition re: arbitration award (11)
<input type="checkbox"/> Writ of mandate (02)
<input type="checkbox"/> Other judicial review (39) | Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)
<input type="checkbox"/> Antitrust/Trade regulation (03)
<input type="checkbox"/> Construction defect (10)
<input type="checkbox"/> Mass tort (40)
<input type="checkbox"/> Securities litigation (28)
<input type="checkbox"/> Environmental/Toxic tort (30)
<input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)
Enforcement of Judgment
<input type="checkbox"/> Enforcement of judgment (20)
Miscellaneous Civil Complaint
<input type="checkbox"/> RICO (27)
<input checked="" type="checkbox"/> Other complaint (not specified above) (42)
Miscellaneous Civil Petition
<input type="checkbox"/> Partnership and corporate governance (21)
<input type="checkbox"/> Other petition (not specified above) (43) |
|--|--|---|

2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Remedies sought (check all that apply): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive
4. Number of causes of action (specify): 1
5. This case is is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: January 17, 2012
Mark A. Vos


(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

(TYPE OR PRINT NAME)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

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5 Attorneys for Plaintiff,
6 People of the State of California.
(Exempt from filing fees. Govt. Code § 6103.)

FILED-West District
San Bernardino County Clerk

JAN 17 2012

BY Stacey Brandt
DEPUTY

7 SUPERIOR COURT OF THE STATE OF CALIFORNIA
8 COUNTY OF SAN BERNARDINO

9 THE PEOPLE OF THE STATE OF
10 CALIFORNIA, *ex rel.* Michael A. Ramos, San
11 Bernardino County District Attorney for,

12 Plaintiff,

13 vs.

14 CUCAMONGA KINGS, a criminal street
15 gang as an unincorporated association; and
16 DOES 1-300.

17 Defendant.

Case No. CIVRS 1200342
(Unlimited Civil Case)

COMPLAINT FOR
PERMANENT INJUNCTION
TO ABATE A PUBLIC
NUISANCE CAUSED BY
CUCAMONGA KINGS
CRIMINAL STREET GANG

18
19 Plaintiff, the PEOPLE OF THE STATE OF CALIFORNIA, *ex rel.* Michael A.
20 Ramos as the District Attorney for San Bernardino County, alleges:

21 THE PARTIES

22 1. Plaintiff is the People of the State of California, *ex rel.* Michael A. Ramos,
23 District Attorney for San Bernardino County, acting by authority of Code of Civil
24 Procedure § 731 and Civil Code § 3479 and § 3480, to abate and enjoin a public
25 nuisance.

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28 COMPLAINT FOR PERMANENT INJUNCTION AGAINST CUCAMONGA KINGS TO ABATE A
PUBLIC NUISANCE

1 2. Defendant CUCAMONGA KINGS is and was at all times mentioned
2 herein, a criminal street gang as defined for the purposes of a gang abatement
3 injunction within the meaning of *People v. Englebrecht* (2001) 88 Cal.App.4th 1236,
4 1261. Specifically, CUCAMONGA KINGS: is an ongoing organization, association or
5 group of three or more persons, whether formal or informal; has as one of its primary
6 activities the commission of acts constituting a public nuisance (including murder,
7 attempted murder, assault with a deadly weapon and by means of force likely to
8 cause great bodily injury, race-motivated assaults, threats and vandalism, battery,
9 drug possession, consumption, sales and transportation, auto and residential
10 burglary, auto theft, larceny, possession of stolen property, possession of firearms by
11 felons and by gang members, concealed and loaded weapons offenses, possession of
12 stolen firearms, trespass, loitering, chronic violation of city ordinances, fighting,
13 littering, drinking in public, obstruction and evasion of law enforcement, witness
14 intimidation, and graffiti vandalism); has a common name or common identifying
15 sign or symbol; and its members individually or collectively engage in the acts
16 constituting an enjoined public nuisance.

17 3. Defendant CUCAMONGA KINGS is and was at all times mentioned
18 herein, a criminal street gang within the meaning of Penal Code § 180.20 et seq., (the
19 Street Terrorism Enforcement and Prevention Act, or "STEP" Act.) Specifically
20 CUCAMONGA KINGS: is an ongoing organization, association, or group of three or
21 more persons, whether formal or informal; has as one of its primary activities the
22 commission of one or more of the criminal acts enumerated in paragraphs (1) to (25),
23 inclusive, or (31) to (33), inclusive, of Penal Code section 186.22, subdivision (e); has a
24 common name or common identifying sign or symbol; and its members individually
25 or collectively engage in or have engaged in a pattern of criminal gang activity.
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1 4. Defendant CUCAMONGA KINGS is sued as an unincorporated
2 association under Code of Civil Procedure section 369.5. (*People ex rel. v. Colonia*
3 *Chiques* (2007) 156 Cal.App.4th 31, 38-41.) Defendant Cucamonga Kings, and its
4 members, function under a common name and with a common purpose in such a way
5 that fairness requires that the group be recognized as a distinct legal entity. Defendant
6 Cucamonga Kings and its members act together and brandish its common name, signs
7 and symbols to help it commit crimes and other nuisance activity, to obstruct law
8 enforcement and to dissuade witnesses. Equity demands that defendant not be
9 allowed to deny it exists, after having received benefits by holding itself out to the
10 public as an entity.

11 5. Defendant CUCAMONGA KINGS now is, and was at all times
12 mentioned herein, an unincorporated association, consisting of two or more
13 individuals joined together for allegedly lawful common purposes, including social,
14 recreational and other purposes. Notwithstanding any common lawful purpose,
15 Defendant Cucamonga Kings is committing criminal and nuisance behavior, and
16 creating a public nuisance.

17 6. Defendant Cucamonga Kings acts by and through its members, both
18 individually and collectively.

19 7. Defendant CUCAMONGA KINGS is located in San Bernardino County,
20 California, and all but a few of its individual members reside here, as well.

21 8. Defendants Does 1 through 300 are individuals, the true identities of
22 whom are presently unknown to Plaintiff, who therefore sues such Defendants by
23 such fictitious names, and will amend this complaint to show their true names when
24 ascertained. Plaintiff is informed and believes that each of the Defendants designated
25 as Does 1 through 300, inclusive, is an individual, is a member of CUCAMONGA
26
27

1 KINGS, and contributes to the public nuisance in the "SAFETY ZONE" in the city of
2 Rancho Cucamonga, San Bernardino County, California.

3 **CAUSE OF ACTION FOR PUBLIC NUISANCE AGAINST ALL DEFENDANTS**

4 9. Plaintiff re-alleges and incorporates all allegations contained in
5 paragraphs 1 through 8, inclusive.

6 10. The Plaintiff seeks injunctive relief within a "SAFETY ZONE" defined as
7 follows. (A map of the proposed Safety Zone is attached as Exhibit 1, and as
8 incorporated herein by reference.):

9 a. a rectangular area in the City of Rancho Cucamonga, County of San
10 Bernardino, California, informally known as "North Town" by its residents
11 and others, bounded on the north by a straight, east-to-west line 500 ft. north
12 of Arrow Route and running parallel with that street; on the east, by a north-
13 to-south running line 500 feet east of Haven and running parallel with that
14 street; on the south, an east to west running line 500 feet south of Acacia
15 Street and running parallel with that street; and on the west, a south to north
16 running line 500 feet west of Archibald and parallel with that street. These
17 boundaries form a rectangle with the longest sides being the northern and
18 southern boundaries. This Safety Zone is approximately three-fourths of a
19 square mile in area. This area is mostly residential, but notably includes an
20 elementary school, a middle school, Old Town Park, and some businesses
21 and commercial properties.

22 11. Defendant Cucamonga Kings, through its members, occupies the Safety
23 Zone and engages in constant and numerous crimes and other behaviors that
24 constitute and perpetuate a chronic public nuisance within it. Defendant Cucamonga
25 Kings, by virtue of their criminal and nuisance activities, threatens the freedom,
26 health, safety, senses, and rights to free use and enjoyment of property of the people
27

1 who live, work, visit and pass through the Safety Zone. Defendant's behavior is
2 injurious to health, indecent and offensive to the senses, and an obstruction to the free
3 use of property both private and public, so as to interfere with the comfortable
4 enjoyment of life, liberty and property by the community in the Safety Zone,
5 constituting a public nuisance pursuant to Civil Code sections 3479 and 3480.

6 12. Defendant Cucamonga Kings is a violent Hispanic criminal street gang
7 that presently consists of approximately 200 mostly-male members ranging in age
8 from early teens through late fifties and older. They, their loyal associates (who aid
9 and abet Defendant's nuisance) and their families (also who aid and abet Defendant's
10 nuisance) predominately reside in homes inside the Safety Zone, and those members
11 and loyal associates who do not reside there, frequently visit fellow gang members
12 who do reside there.

13 13. Defendant Cucamonga Kings and its members treat the Safety Zone
14 (what they call "North Town," and especially Old Town Park located therein), as their
15 exclusive gang "turf," or territory and have done so for decades. Thus defendant gang
16 has developed an irrational and obsessive—yet unjustifiable—sense of "ownership"
17 over the "varrio," or neighborhood. Defendant gang often behaves as if the Safety
18 Zone is theirs alone to use as they see fit. Defendant gang uses menace and violence to
19 control who may reside in peace and safety within the Safety Zone, and who may not.
20 Defendant gang uses menace and violence to control who may visit or appear within
21 the Safety Zone in peace and safety, and who may not. Defendant gang is especially
22 jealous of who uses Old Town Park, and how and when. Defendant gang frequently
23 accosts and assaults—and on at least one occasion, has murdered—innocent persons
24 not of their liking who are merely present within the Safety Zone, some of whom
25 reside there, and some of whom are visiting or working there, or who are merely
26 passing by.

1 14. Defendant Cucamonga Kings is especially hateful and violent toward
2 Black persons who reside in the Safety Zone, or who appear there in public for any
3 reason, especially at or near Old Town Park.

4 15. Cucamonga Kings gang members gather and travel in groups of two or
5 more to project power and fear. They accost visitors to the Safety Zone by flashing
6 gang signs, by yelling out "Cucamonga Kings!," and other such phrases, and by
7 demanding "Where are you from!?" This means "what neighborhood," or "what
8 gang" do you belong to? It is aggressive and portends violence upon the visitor. That
9 gang's members also yell, "This is our neighborhood," "Do you know where you
10 are?," and "Get out of our neighborhood." These announcements are followed by
11 threats and by violent attacks.

12 16. Although uninvited, Cucamonga Kings gang members "crash" (attend)
13 parties and get-togethers held by other residents in the Safety Zone. They confront the
14 hosts and their invitees, and cause all manner of disturbances of the peace, fights,
15 stabbings and shootings. The gang feels it rules the area and ought to know about and
16 approve of such goings on, and be invited to them. It turns hostile against parties and
17 gatherings it disapproves of. This creates surprise, fear and disturbances in the
18 community. It requires extra attention by police and other first responders. It also
19 sends injured victims to the hospital.

20 17. Defendant Cucamonga Kings is motivated to commit crimes and other
21 nuisance activity by love of power, drugs, criminally-obtained money and property,
22 and by instilling "respect," or fear in other gang members and in the community.

23 18. Cucamonga Kings gang members constantly and illegally possess, use,
24 transport, sell, conceal and abandon controlled substances and illegal paraphernalia
25 with which to ingest them, including marijuana, heroin and methamphetamine. They
26 do this within the Safety Zone in routine violation of many criminal statutes,
27

1 including Health and Safety Code sections 11350, 11351, 11352, 11357-11360, 11364,
2 11370.1, 11377, 11378, 11379, 11550, and others. Illegal drug sales is a per se nuisance
3 under Civil Code § 3479, which mentions that activity expressly, and under Penal
4 Code § 370, the criminal public nuisance statute.

5 19. Drug sales empowers the gang, enriches them with drug sales profits,
6 and makes it more dominant and controlling. It allows them to buy firearms with
7 which to commit other crimes, both within and without the SAFETY ZONE.
8 Defendant gang's drug sales and drug usage make the gang's members much more
9 dangerous to police and to citizens than they otherwise would be.

10 20. Cucamonga Kings gang members congregate and loiter in groups at Old
11 Town Park, where they drink alcohol and are drunk in public, smoke marijuana, are
12 under the influence of methamphetamine, litter, abandon contraband such as drug
13 paraphernalia and ammunition, stash deadly weapons and physically assault, harass
14 and intimidate other citizens into not using the park. Cucamonga Kings also use Old
15 Town Park as a staging area for the commission of crimes, as an escape route, and as a
16 safe-haven by which its members can evade law enforcement through various exit
17 points. By their chronic loitering, harassment, and intimidation of citizens,
18 Cucamonga Kings control ingress, egress, and general usage of Old Town Park.
19 Defendant Cucamonga Kings has made residents of the Safety Zone too afraid to use
20 the park. They cannot go there in peace and safety. They cannot walk their pets there,
21 or take their children for a stroll. Visitors to the area who do not know about the
22 Cucamonga Kings are accosted and surprised by groups of Cucamonga Kings gang
23 members. Unapproved visitors to the park are threatened, and other times are
24 assaulted.

25 21. Cucamonga Kings gang endangers schools, school personnel and school
26 children within the Safety Zone. There is an elementary school and a middle school
27

1 there, and the gang's members trespass onto both properties to commit crimes and
2 nuisance activities. The gang's members bring guns onto and near these schools'
3 zones in violation of law and cause school lockdowns during school hours. The gang's
4 members loiter around school grounds for purposes of recruiting new young
5 members, and for purposes of selling marijuana.

6 22. Cucamonga Kings gang members trespass throughout the wash (a Flood
7 Control District running north and south through the Safety Zone, halfway between
8 Hermosa Ave. and Center Ave.) to get from one place therein to another, in order to
9 commit crime undetected, to evade police, to hide contraband, and to committee
10 graffiti vandalism therein and thereabout.

11 23. Cucamonga Kings constantly paint, mark and etch graffiti vandalism
12 everywhere throughout the Safety Zone, onto public and private property. They
13 paint, mark and etch their common gang signs and symbols to firm up their "claim"
14 to the neighborhood, to warn rival gang members, and to instill fear in the
15 community. And they paint, mark and etch their various particular gang monikers in
16 the same places to show their allegiance to the gang and to promote "respect" for
17 themselves.

18 24. Cucamonga Kings gang members routinely commit Vehicle Code
19 violations and other vehicle-related nuisance activities within the Safety Zone,
20 including: auto theft, auto burglary, dumping stolen vehicles, criminal evasion at high
21 and reckless speeds, driving under the influence of alcohol and drugs, driving
22 without a license, or with a suspended license, driving vehicles with no registration or
23 plates, driving stolen vehicles, and using motor vehicles to commit crimes such as
24 assault, robbery, carjacking and kidnaping. All this endangers and annoys residents of
25 the Safety Zone.

1 25. Cucamonga Kings gang members commit all manner of property crimes
2 within the Safety Zone, including theft, possession of stolen property, residential,
3 commercial and auto burglary, graffiti vandalism, vandalism, trespassing, robbery
4 and carjacking. Area residents' property is never safe or secure. Nor is commercial
5 property.

6 26. Defendant Cucamonga Kings illegally raise money for older, more
7 powerful and "respected" gang members when they get into legal trouble. They sell
8 drugs, burglarize homes, and steal cars, then they will sell the stolen property and
9 transfer the gains to the fellow gang member in trouble. This increases the nuisance
10 because much of the money-raising crime occurs inside the Safety Zone. Also, the
11 gang's members bring stolen property back to the Safety Zone to store and sell it.

12 27. Police routinely find stolen property in the homes and cars of
13 Cucamonga Kings gang members and in the homes of their family members,
14 boyfriends, and girlfriends, inside the Safety Zone.

15 28. Defendant Cucamonga Kings gang members commit criminal violence
16 and threats of violence within the Safety Zone, against residents, visitors to the area,
17 police, and to rival gang members. They do this to maintain control of their
18 neighborhood as their gang turf and to prevent innocent citizens from reporting their
19 crimes and cooperating with police investigations. This lets the gang maintain
20 exclusive profitability from drug sales and sales of stolen property. This also lets them
21 better resist police investigation of all of their crimes. The few Safety Zone residents
22 who do cooperate with police do so anonymously; otherwise their very lives are in
23 peril.

24 29. Cucamonga Kings gang members maintain control and fear of the Safety
25 Zone by possessing, brandishing and shooting loaded firearms at people, at inhabited
26 homes, and at automobiles, by stabbing people with knives, by beating victims with
27

1 baseball bats and other club-like weapons, and by mass beatings where a large group
2 of Cucamonga Kings gang members will assault and batter one or two victims with
3 fists, feet and clubs, thus vastly outnumbering their and increasing the severity of his
4 injuries.

5 30. Defendant Cucamonga Kings will not allow members of other gangs or
6 other individuals to sell drugs or even to be present in the Safety Zone, on pain of
7 violence. This fosters gang rivalries which brings retaliatory violence by other gangs
8 to the Safety Zone, such as drive-by shootings of persons, automobiles and homes.
9 Rival gangs are also antagonized into committing graffiti vandalism within the Safety
10 Zone, such as by crossing out Cucamonga Kings' gang graffiti as an act of hostility
11 and disrespect.

12 31. Defendant Cucamonga Kings gang members assault, stab and shoot at
13 Black persons whom they find in public in the Safety Zone. Defendant Cucamonga
14 Kings is a Hispanic criminal street gang and as such, has a fierce animosity toward
15 Black citizens. Cucamonga Kings especially detest members of rival criminal street
16 gang "NAW," whose members are Black. Cucamonga Kings gang commits violence
17 against NAW gang members in that gang's own "turf" area in Ontario, CA, thus
18 drawing retaliatory violence back to the Safety Zone, including shootings of persons
19 and property, and vandalism.

20 32. Innocent Black citizens who publicly walk about in the Safety Zone
21 simply are not safe there because of Cucamonga Kings, especially in and around Old
22 Town Park.

23 33. Defendant Cucamonga Kings recruit minor male family members and
24 loyal neighborhood residents to become gang members from infancy to early teens,
25 thus teaching them loyalty to the gang, and its criminal and nuisance lifestyle. Minor
26 Hispanic males who are not related to other Cucamonga Kings gang members or who
27

1 do not reside in the Safety Zone usually join the gang through "jumping in," a violent
2 beating for a measured time to test the new recruit's mettle and loyalty.

3 34. Members of Cucamonga Kings criminal street gang generally are
4 members for life. Members are not allowed simply to rescind their membership
5 without violent consequences. This enduring loyalty intensifies and perpetuates the
6 public nuisance within the Safety Zone.

7 35. Cucamonga Kings gang instills in its members' children hostility toward
8 police. They are taught to not cooperate with them, to lie to them, to obstruct
9 investigation, to flee them and not to speak to them. This increases the nuisance by
10 replacing the gang's population, even after many older members are successfully
11 prosecuted and sent to state prison.

12 36. Cucamonga Kings gang members corrupt the young, especially young
13 relatives, young Hispanic minors who reside in the Safety Zone, and friends who visit
14 gang member residents regularly. The gang's members teaches youth to be like
15 themselves. The gang teaches youth its ways and lawless culture, its signs and
16 symbols, and to avoid and obstruct police investigation.

17 37. Defendant Cucamonga Kings and its agents, allied associates and family
18 members obstruct police investigation in the Safety Zone. A great many Cucamonga
19 Kings gang members are related either by blood or by marriage. Police do not know
20 all of the relationships and who resides where. Consequently and frequently,
21 witnesses to crime within the Safety Zone will not give statements to police because it
22 turns out they were the suspects' relatives. Or they will lie to throw police off.

23 38. The gang's nuisance and crimes in the Safety Zone require a
24 disproportionately high amount of police investigation. But police are met with
25 obstruction there in the form of noncooperation all the way to hostile resistance. Police
26 are ignored, shot at, and everything in between.

1 39. Cucamonga Kings gang members who have arrest warrants or who
2 possess contraband run from police to escape, and they will run across and through
3 yards that are not their own, jump fences and walls, hide in sheds, and even enter
4 homes unannounced and demand shelter. Related residents will give shelter and lie to
5 police about the suspects' presence. Innocent residents often will cooperate out of
6 justifiable fear of assault.

7 40. In addition to chronic violation of myriad penal statutes, defendant
8 Cucamonga Kings violates many provisions of Rancho Cucamonga's Municipal Code,
9 such as Rancho Cucamonga Municipal Code (RCMC) section 8.21.035 [banning
10 smoking in public parks, trails and playgrounds] and perhaps 8.21.070 [banning
11 smoking in public restrooms]. These violations are infractions.

12 41. The gang routinely violates RCMC section 8.24.030, making graffiti
13 vandalism a misdemeanor.

14 42. The gang routinely violates RCMC section 9.16.020, making public
15 consumption of alcohol a misdemeanor, as well as RCMC section 12.04.010 B., which
16 bans possession of an open container of alcohol and its consumption in a public park.

17 43. The gang routinely litters in the park, in violation of RCMC 12.04.010.

18 44. The gang unlawfully loiters on sidewalks in Old Town Park in a manner
19 that obstructs free passage, a violation of RCMC 9.26.010; the residents in the area are
20 thus made afraid to use the park and its sidewalks by the gang's violent history, by its
21 violent reputation, and by its members' drug use there.

22 45. Gang members who are minors are often in violation of the City's
23 curfew ordinance, RCMC 9.30.010, making it an infraction or misdemeanor to be out
24 at night past 10 p.m.

25 46. Plaintiff has no plain, speedy, or adequate remedy at law and will
26 continue to suffer irreparable damage, injury, and harm, unless equitable relief is
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1 granted. Damages cannot provide future protection against the nuisance. Criminal
2 prosecution, although necessary and helpful, has not stopped Defendant's criminal
3 and nuisance behaviors. This is so for several reasons, including: (1) defendant
4 Cucamonga Kings chronically suppresses cooperation with law enforcement of
5 victims and witnesses, by means of threats, intimidation and violence; (2) the
6 residential nature of the Safety Zone and the propensity of gang members to flee
7 throughout the neighborhood and into homes makes police investigation difficult; (3)
8 the gang consists in large part of a tight knit group of interrelated families and friends,
9 who raise up their young to be loyal to the gang, to help it commit crimes, and to
10 become members of it. Even where older gang members suffer felony convictions and
11 go to state prison for significant time, there are new generations to replace them.

12 47. Unless abated by injunctive relief, the public nuisance caused by
13 Cucamonga Kings will continue indefinitely into the future. More drugs will be sold.
14 More shots will be fired. More children will join the gang and adopt its criminal
15 lifestyle. The peaceable residents of the Safety Zone will continue to suffer. The
16 nuisance caused by CUCAMONGA KINGS is decades old, and although its nuisance
17 waxes and wanes somewhat according to police crackdowns, it never ceases.

18 **PRAYER FOR RELIEF**

19 WHEREFORE, plaintiff, the People of the State of California, prays for
20 judgment against defendant as follows:

21 1. For a judicial determination that defendant Cucamonga Kings is a
22 criminal street gang within the meaning of Penal Code section 186.22(f);

23 2. For a judicial determination that defendant Cucamonga Kings is a
24 criminal street gang for the purposes of a gang abatement injunction within the
25 meaning of Civil Code sections 3479, 3480, and *People v. Englebrecht* (2001) 88
26 Cal.App.4th 1236, 1261;

27
28 COMPLAINT FOR PERMANENT INJUNCTION AGAINST CUCAMONGA KINGS TO ABATE A
PUBLIC NUISANCE

1 3. For a judicial determination that defendant Cucamonga Kings has
2 caused, now causes and without abatement will continue to cause a public nuisance in
3 violation of Civil Code sections 3479 and 3480, within the proposed Safety Zone
4 (depicted by the map attached as Exhibit 1 and incorporated herein), defined as:

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

14 4. For a judicial determination that the proposed Safety Zone is where
15 defendant Cucamonga Kings has created the nuisance and designating the same as
16 the Safety Zone;

17 5. For a permanent nuisance abatement injunction ordering defendant
18 Cucamonga Kings, all its members, and all those persons through whom it acts to
19 comply with the following terms:

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

1 b. No Presence at Cucamonga Elementary School: Do not be present on
2 the campus of Cucamonga Elementary School located at 8677 Archibald Ave.,
3 Rancho Cucamonga, CA 91730, including on its parking lots, or on its adjacent
4 sidewalks and curbs, unless you are a parent or legal guardian of a student
5 registered to attend that school and you presently are attending to school-
6 sponsored affairs, or you are a school district employee presently engaged in
7 district business, or you are lawfully engaged in the act of voting during an
8 election where the School is serving as a polling place.

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

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

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

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

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

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

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

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

4 k. **No "Hitting Up" or Harassment:** Do not inquire or demand of
5 another person about his or her possible membership, association or affiliation
6 with any criminal street gang. Do not inquire or demand of any person where
7 he or she is "from," or words to that effect, or where he or she is going, with the
8 intent to intimidate, vex, annoy, or harass that person, or discourage that
9 person from residing within or being present within the Safety Zone.

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

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

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

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

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

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

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

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

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

13 t. No Graffiti Vandalism or Possession of Graffiti Tools: Do not
14 commit graffiti vandalism as defined by Penal Code section 594, subsection (a)
15 and (e), or knowingly possess graffiti tools as defined by Penal Code section
16 594.2, including "slap tags."

17 u. No Firearms, Imitation Firearms, Ammunition, Illegal Weapons:
18 Anywhere in a public place, do not knowingly possess or remain in the
19 presence of, any firearm, imitation firearm, ammunition, or illegal weapon as
20 defined by Penal Code section 12020, or knowingly remain in the presence of
21 any other person in possession of such.

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

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

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

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

- 12 i. RCMC section 8.21.035, banning smoking in public parks, trails
13 and playgrounds.
- 14 ii. RCMC section 8.21.070, banning smoking in public restrooms.
- 15 iii. RCMC section 8.24.030, making graffiti vandalism a
16 misdemeanor.
- 17 iv. RCMC section 9.16.020, which makes it unlawful for any person
18 to consume any alcoholic beverage while upon any public street,
19 alley, way, sidewalk or parkway, whether in a motor vehicle or
20 otherwise...
- 21 v. RCMC section 12.04.010 B., which bans possession of an open
22 container of alcohol beverage in a public park and consumption
23 of alcoholic beverage in a public park.
- 24 vi. RCMC 12.04.010, banning littering in a public park.
- 25 vii. RCMC 9.26.010, which makes it unlawful for any person to loiter
26 or stand or sit in or upon any public highway, alley, sidewalk or
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1 crosswalk so as to in any manner hinder or obstruct the free
2 passage therein or thereon of persons or vehicles passing along
3 the same.

4 viii. RCMC 9.30.010, which, with specified exceptions, makes it an
5 infraction or misdemeanor for minors to be to be in or upon the
6 public streets, highways, roads, alleys, parks, playgrounds, public
7 buildings or other places open to the public, places of amusement,
8 eating establishments, or any vacant lots between the hours of ten
9 p.m. and sunrise of the day immediately following.

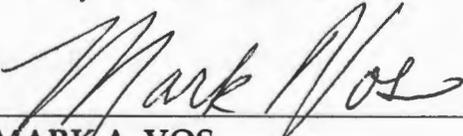
10 z. Constitutional Construction: The terms of this injunction shall be
11 construed to abate the public nuisance to the maximum extent
12 allowable, consistent with the Federal and State Constitutions and with
13 applicable federal and state statutes.

14 6. For such other and further relief as the Court may deem proper.

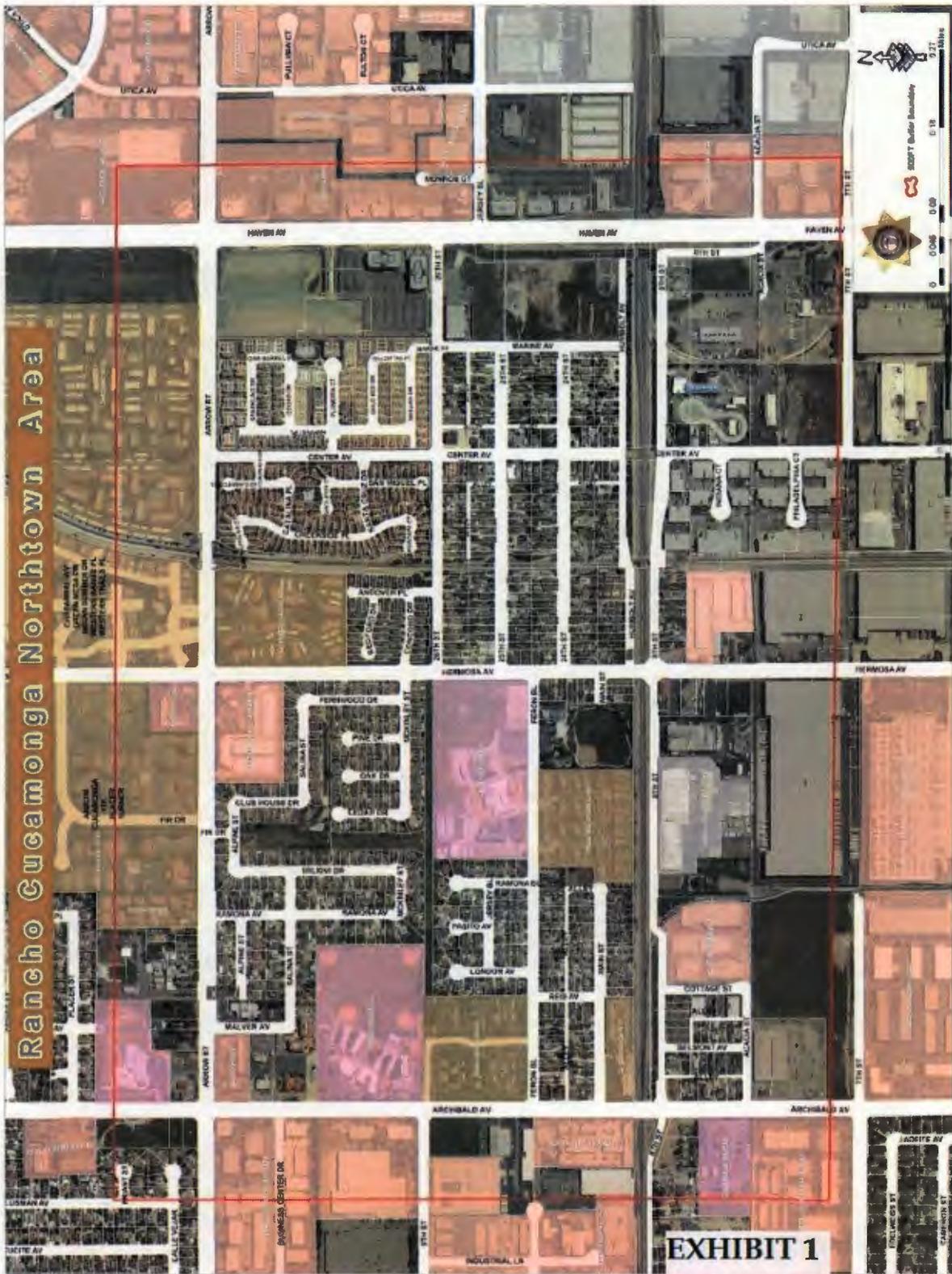
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16 Dated: 1/17/12

17 Respectfully Submitted,

18 **MICHAEL A. RAMOS**
19 District Attorney
20 County of San Bernardino

21 
22 **MARK A. VOS**
23 Lead Deputy District Attorney
24 Gang Injunction Unit
25 Attorneys for Plaintiff, People of the State
26 of California
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COMPLAINT FOR PERMANENT INJUNCTION AGAINST CUCAMONGA KINGS TO ABATE A PUBLIC NUISANCE