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VENTURA SUPERIOR COURT

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SUPERIOR COURT  
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MICHAEL D. PLANET  
Executive Officer and Clerk

BY: M. MIAJES

SUPERIOR COURT OF CALIFORNIA, COUNTY OF VENTURA

THE PEOPLE OF THE STATE OF CALIFORNIA,  
*ex rel.* Gregory D. Totten, as the District Attorney for  
the County of Ventura,

Plaintiff,

vs.

SOUTHSIDE CHIQUES,  
an Unincorporated Association;  
and DOES 1 through 500,  
Inclusive,

Defendants.

CASE NO. CIV242491

~~PROPOSED~~  
AMENDED PERMANENT  
INJUNCTION

Date: Sept. 9, 2008  
Time: 8:30 a.m.  
Dept.: 40

Assigned for all purposes to the  
Honorable Vincent O'Neill, Jr.

Plaintiff, the People of the State of California, *ex rel.* Gregory D. Totten as District  
Attorney for the County of Ventura, filed a Complaint on July 27, 2006, seeking to abate a public  
nuisance through the use of what is commonly known as a "gang injunction," against defendant  
Southside Chiques, an unincorporated association alleged to be a criminal street gang, in a  
"Safety Zone" (as depicted in the description and map included as attachment "A" and  
incorporated herein) within the cities of Oxnard and Port Hueneme, which is generally bounded  
by West Wooley Road to the North; Rose Avenue to the East; Hueneme Road and Surfside  
Drive to the South; and Ventura Road to the West; plaintiff subsequently voluntarily dismissed

1 without prejudice all fictitious "Doe" defendants; default was duly entered against defendant  
2 Southside Chiques; after due consideration of all papers filed in this action, including the  
3 declarations, requests for judicial notice, and other evidence submitted, plaintiff's memorandum  
4 of points and authorities including *People v. ex rel. Gallo v. Acuna* (1997) 14 Cal.4<sup>th</sup> 1090, *cert.*  
5 *den.*, 521 U.S. 1121; *People v. Englebrecht* (2001) 88 Cal.App.4<sup>th</sup> 1236; *In re Englebrecht*  
6 (1998) 67 Cal. App.4<sup>th</sup> 486, this Court found by clear and convincing evidence that service is  
7 proper under the circumstances and that (1) Southside Chiques is a criminal street gang as  
8 defined in Penal Code section 186.22 (Street Terrorism Enforcement and Prevention ("STEP")  
9 Act) and is a gang as defined for the purpose of a gang abatement injunction in *People v.*  
10 *Englebrecht, supra*, 88 Cal.App.4<sup>th</sup> at 1258; and (2) the conduct and activities of defendant  
11 Southside Chiques and its members constitute a public nuisance in the Safety Zone. Good cause  
12 appearing for entry of judgment, this Court on October 23, 2006, issued a Permanent Injunction.

13 On October 15, 2007, the Court of Appeal, Second Appellate District, Division 6, held  
14 that a curfew provision identical to that in the present case was unconstitutionally vague and  
15 invalid. (*People ex rel. Totten v. Colonia Chiques* (2007) 156 Cal.App.4<sup>th</sup> 31, 46-49, review  
16 denied Jan. 23, 2008.) Based upon that opinion, the Court of Appeal, Second Appellate District,  
17 Division 6, held that the curfew provision of the injunction in the present case was  
18 unenforceable. (*People v. Southside Chiques* (Apr. 14, 2008, B194659 (unpub. opn.), review  
19 denied July 9, 2008.) The remittitur issued on August 6, 2008.

20 In response to the ruling of the Court of Appeal, plaintiff filed a motion to amend the  
21 injunction to modify provision (l), the curfew provision. Good cause appearing, the Court  
22 modifies the Permanent Injunction in this matter as follows:

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

- 24 1. **SOUTHSIDE CHIQUES**, an unincorporated association, and its members, agents,  
25 servants, employees, and all persons acting under, in concert with, for the benefit of,  
26 at the direction of, or in association with them or any of them, are enjoined and  
27 restrained from engaging in any of the following activities in the Safety Zone set forth  
28 in attachment "A" and incorporated herein:

- 1 a. **No Witness Intimidation:** Confronting, intimidating, annoying, harassing,  
2 threatening, challenging, provoking, assaulting or battering any person known to  
3 be a witness to or victim of crime, or any person known to have complained about  
4 the gang activities of SOUTHSIDE CHIQUES;
- 5 b. **No Associating With Other Known SOUTHSIDE CHIQUES Members:**  
6 Standing, sitting, walking, driving, gathering or appearing, anywhere in public  
7 view or anyplace accessible to the public, with any known member of  
8 SOUTHSIDE CHIQUES EXCEPT: (1) when all members inside a school  
9 attending a class or on school business; (2) when all individuals are inside a  
10 church; and/or (3) actively engaged in some business, trade, profession or  
11 occupation which requires such presence, **provided** the prohibition against  
12 associating shall apply to forms of travel (except in school buses) to or from any  
13 of the locations described in (1)-(3) above;
- 14 c. **No Guns, Imitation Firearms or Dangerous Weapons:** Anywhere in public  
15 view or anyplace accessible to the public; (1) possessing any gun, ammunition,  
16 imitation firearm, including, but not limited to replica guns, toy guns, water guns,  
17 replica non guns or other imitation firearm – as defined in Penal Code section  
18 12550 and 15 USC 5001(c) or dangerous weapon, including but not limited to  
19 knives (steak knives, pocket knives or any other knives, clubs, concealed or  
20 loaded firearms, BB guns, or any instrument that expels a projectile such as a BB  
21 or a pellet, through the force of air pressure, CO2 pressure, or spring action, or  
22 any spot marker gun, baseball bats (unless participating in a baseball or softball  
23 game sanctioned by a governmental, religious or non-profit entity), glass bottles;  
24 replica firearms (plastic, toy or otherwise) or any other instrument prohibited in  
25 Penal Code section 12020, (2) knowingly remaining in the presence of anyone  
26 who is in possession of such gun, ammunition or weapons, or (3) knowingly  
27 remaining in the presence of such gun, ammunition or weapons;
- 28

- 1 d. **No Engaging in Fighting:** Fighting anywhere in public view or anyplace  
2 accessible to the public, including public streets, alleys, and/or public and private  
3 property;
- 4 e. **No Using Gang Gestures:** Using words, phrases, physical gestures, or symbols  
5 commonly known as hand signs which describe or refer to the gang known as  
6 SOUTHSIDE CHIQUES; such as: placing the thumb and any other finger  
7 together to form a "S" "O" "U" "T" "H" "S" "T" "D" "E," "SS," "CH," "S" "O"  
8 "X," "X3," or any other gang hand sign or gang gesture;
- 9 f. **No Wearing Gang Attire:** Wearing clothing or attire including jewelry that  
10 bears the name or letters that spell out the name of the gang known as  
11 SOUTHSIDE CHIQUES and/or represents the gang, such as but not limited to:  
12 White SOX clothing, San Diego Chargers clothing, Raiders clothing, Southpole  
13 clothing; "South Side" clothing, and any variations or combinations of "SOX,"  
14 "SS," "SickSide," "South," "SSXCH," "13," "55," "SSCH," "South Oxnard" or  
15 any other gang attire.
- 16 g. **No Illegal Drugs or Controlled Substances:** Without a prescription, (1) selling,  
17 possessing or using any controlled substance, including but not limited to  
18 marijuana, hash, cocaine, heroin, methamphetamine or any other controlled  
19 substance (as defined by the Health & Safety Code) without a prescription, and  
20 pipes or bongs (and any other paraphernalia as defined in Health & Safety Code  
21 section 11364 and Business and Professions Code section 4060) used for illegal  
22 drug use, (2) knowingly remaining in the presence of anyone selling, possessing  
23 or using any controlled substance (as defined by the Health & Safety Code) or  
24 such related paraphernalia;
- 25 h. **No Public Consumption of Alcohol:** Anywhere in public view or anyplace  
26 accessible to the public, (1) possessing an open container of an alcoholic  
27 beverage, or (2) knowingly remaining in the presence of anyone possessing an  
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1 open container of an alcoholic beverage, or (3) knowingly remaining in the  
2 presence of an open container of an alcoholic beverage;

- 3 i. **No Graffiti:** Spray painting or otherwise applying graffiti on any public or  
4 private property, including but not limited to: the street, alley, residences, block  
5 walls, vehicles, and/or any other real or personal property open to public or  
6 private view;
- 7 j. **No Possession Of Graffiti Tools:** Unless going to or from an art class given by a  
8 public or private school during the day time hours, using or possessing any tool,  
9 object or paraphernalia, including but not limited to: solidified paint markers,  
10 permanent markers, etching tools, aerosol paint, whiteout pens, acrylic paint  
11 tubes, various paint can tips, razor blades, or other graffiti tool;
- 12 k. **No Trespassing:** Being present on any property not open to the general public,  
13 which is not owned or legally possessed by parent or guardian, except with (1) the  
14 prior written consent of the owner, owner's agent, or the person in lawful  
15 possession of the property or (2) in the presence of and with the voluntary consent  
16 of the owner, owner's agent, or the person in lawful possession of the property;
- 17 l. **No Violation of Curfew:** Loitering or remaining upon public property, a public  
18 place, on the premises of any establishment, or on a vacant lot, between the hours  
19 of 10:00 p.m. on any day and 6:00 a.m. the following day. A public place is  
20 defined as any place to which the public has access, including but not limited to  
21 sidewalks, alleys, streets, highways, parks, the common areas of schools,  
22 hospitals, office buildings, and transport facilities. Establishment is defined as a  
23 restaurant, bar, nightclub, shop, or other privately-owned place of business  
24 operated for profit to which the public is invited. This provision shall not apply to  
25 the following, including going directly to and from such activity: (1) a meeting or  
26 scheduled entertainment activity at a theater, school, church or other religious  
27 institution, or sponsored by a religious institution, local education authority or  
28 governmental agency; (2) actively engaging in a business, trade, profession or

1 employment which requires such presence; (3) in a legitimate emergency  
2 situation, defined as a fire, natural disaster, vehicle accident, or other unforeseen  
3 combination of circumstances or the resulting state that calls for immediate action  
4 to prevent serious bodily injury or loss of life; or (4) in the side yard or back yard  
5 of their own residence;

6 m. **No Acting as a Lookout:** Acting as a lookout, whistling, yelling or otherwise  
7 signaling another person to warn of the approach or presence of a law  
8 enforcement officer; and

9 n. **No Violation of Laws:** Failing to obey all laws (1) which prohibit violence and  
10 threatened violence including murder, rape, robbery by force or fear, assault and  
11 battery, (2) which prohibit interference with the property rights of others  
12 including trespass, theft, vandalism and driving without the owner's consent, and  
13 which prohibit the commission of acts which create a nuisance including the  
14 illegal sale of controlled substances and blocking the sidewalk.

15 2. **OPT-OUT PROVISION.** Any individual Southside Chiques active gang member,  
16 as well as all persons who participate with or acts in concert with the Southside  
17 Chiques in more than a nominal, passive, inactive or purely technical way, who has  
18 been served with the injunction (collectively referred to hereinafter as "defendant"),  
19 may move this Court under this provision, so long as the dismissal is to be without  
20 prejudice and with each side to bear its own costs and fees, and so long as the motion  
21 satisfies the following requirements:

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

24 b. **Public Renunciation:** Defendant must declare that he/she is a reformed, former  
25 Southside Chiques gang member, and that he/she is not active with the Southside  
26 Chiques gang and that he/she has renounced gang life. Renunciation of the street  
27 gang Southside Chiques is an essential part of this provision.

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c. **Proof of Renunciation:**

- i. Defendant must declare that he/she has not been arrested for the past five years, not including any time spent incarcerated, which must be true;
- ii. Defendant must declare that he/she has not been documented by law enforcement for the past five years to have been in the company or association of any other known active Southside Chiques gang member, other than an immediate family member, which must be true;
- iii. Defendant must declare that he/she has not obtained any new Southside Chiques gang/gang-related tattoos for the past five years, which must be true; and
- iv. Defendant must declare that he/she is gainfully employed and has so been employed consistently for a period of one year, which must be true.

d. **No Third-Party Beneficiaries:** It shall not be a defense to any civil or criminal contempt charge or civil or criminal charge of any nature whatsoever that defendant was eligible to apply for dismissal under this provision.

e. **No Effect in Other Proceedings:** Plaintiff shall not be bound by the criteria of this special provision (a public sworn renunciation and five arrest-free years), in any action, civil or criminal, other than a motion brought under this provision in this action. Moreover, a dismissal under this provision shall be without prejudice and shall not operate as a retraxit in any other action.

f. **Judgment Not Admissible:** This Judgment shall not be admissible in any civil or criminal action, and cannot be used against defendant for any purpose whatsoever, other than in a civil or criminal contempt proceeding brought for violation of this Judgment.

g. **Dismissed Gang Member Committing New Violation:** If a gang member who has successfully been dismissed from this Judgment pursuant to the provisions set forth above, violates the above provisions, by associating with known active gang members or by getting new gang tattoos or by getting arrested for any crime that

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is determined to be a gang-related crime, then such defendant may be re-served with this Injunction Order and will be required to comply with all of its terms.

DATED: SEP 09 2008

GLENN M. REISER  
JUDGE OF THE SUPERIOR COURT



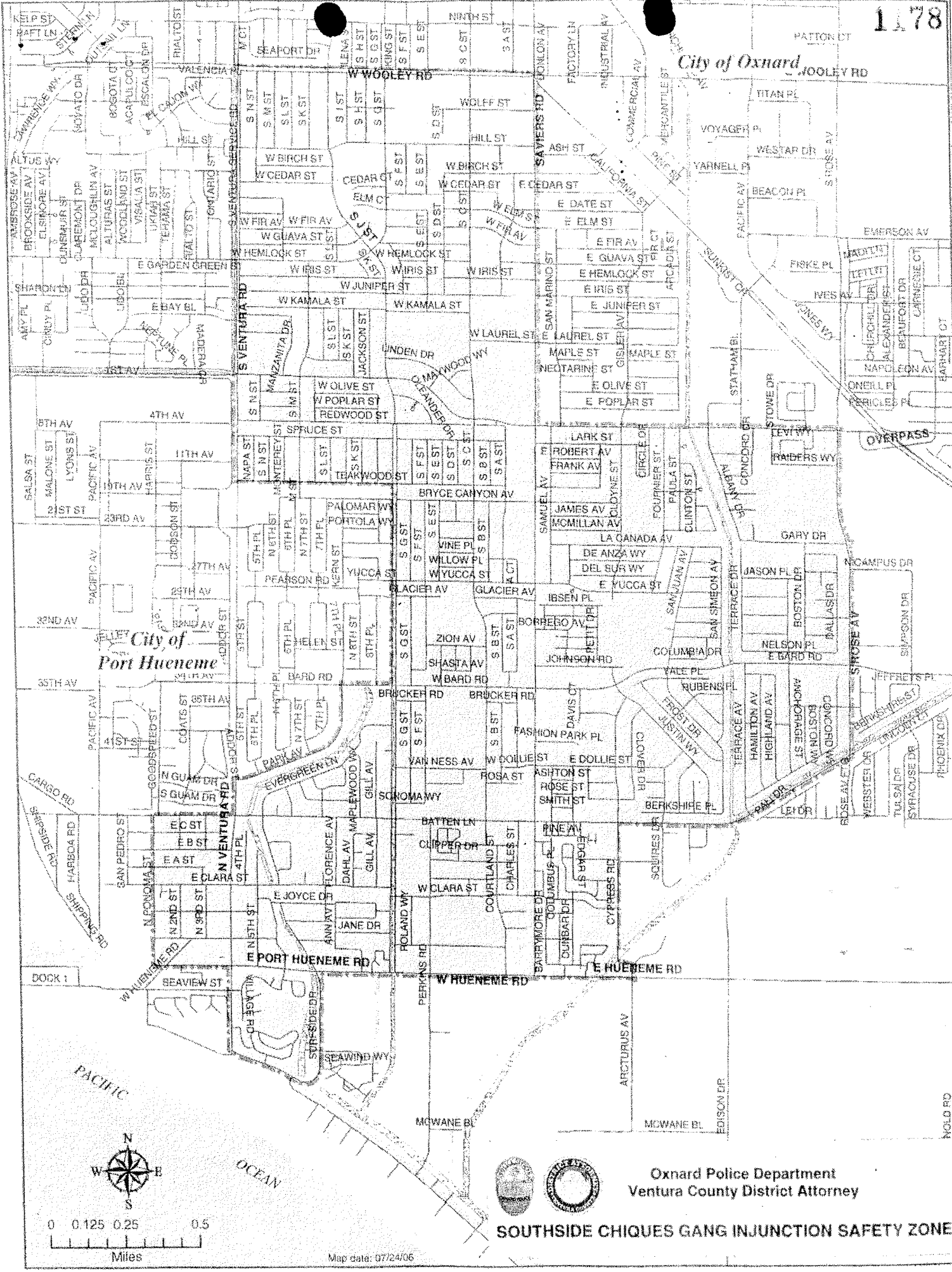
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**ATTACHMENT "A"**

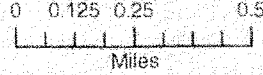
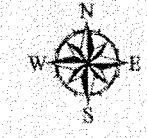
**SAFETY ZONE & MAP**

Beginning at the intersection of the westerly line of **Ventura Road** and the northerly line of **Wooley Road**; thence along said northerly line; 1<sup>st</sup> – easterly to the easterly line of **Oxnard Boulevard**; thence along said easterly line; 2<sup>nd</sup> – southerly to the northerly line of **Channel Islands Boulevard**; thence along said northerly line; 3<sup>rd</sup> – easterly to the easterly line of **Rose Avenue**; thence along said easterly line; 4<sup>th</sup> – southerly to the southerly line of **Pleasant Valley Road**; thence along said southerly line; 5<sup>th</sup> – southwestery and westerly along said southerly line to the easterly line of **Cypress Road**; thence along said easterly line; 6<sup>th</sup> – southerly and easterly to the easterly line of **Arcturus Avenue**; thence along said easterly line; 7<sup>th</sup> – southerly to the southerly line of **Hueneme Road**; thence along said southerly line; 8<sup>th</sup> – westerly to the easterly line of **Surfside Drive**; thence along said easterly line; 9<sup>th</sup> – southerly and westerly to the westerly line of **Ventura Road**; thence along said westerly line; 10<sup>th</sup> – northerly to the southerly line of **Hueneme Road**; thence along said southerly line; 11<sup>th</sup> – westerly to the southerly prolongation of the westerly line of **Ponoma Street**; thence along said westerly line; 12<sup>th</sup> – northerly to the northerly line of **Pleasant Valley Road**; thence along said northerly line; 13<sup>th</sup> – easterly to the westerly line of **Ventura Road**; thence along said westerly line; 14<sup>th</sup> – northerly to the westerly prolongation of the northerly line of **Park Avenue**; thence along said northerly line; 15<sup>th</sup> – easterly, northeasterly and northerly to the northerly line of **Bard Road**; thence along said northerly line; 16<sup>th</sup> – easterly to the westerly line of **J Street**; thence along said westerly line; 17<sup>th</sup> – northerly to the southerly line of **Teakwood Street**; thence along said southerly line; 18<sup>th</sup> – westerly to the westerly line of **Ventura Road**; thence along said westerly line; 19<sup>th</sup> – northerly to the point of beginning. A map of the Safety Zone is attached hereto.

City of Oxnard



City of Port Huene



Map data: 9724/06



Oxnard Police Department  
 Ventura County District Attorney

**SOUTHSIDE CHIQUES GANG INJUNCTION SAFETY ZONE**