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FILED
 SUPERIOR COURT of CALIFORNIA
 COUNTY of SANTA BARBARA

MAR 14 2011

GARY M. BLAIR, Executive Officer
 BY Gary M. Blair
 NARZRALLI BAKSH, Deputy Clerk

11
 12 SUPERIOR COURT FOR THE STATE OF CALIFORNIA
 13 COUNTY OF SANTA BARBARA
 14 ANACAPA DIVISION

15 PEOPLE OF THE STATE OF CALIFORNIA,)
 16)
 Plaintiff,)
 17)
 18 CITY OF SANTA BARBARA, a municipal)
 corporation,)
 19)
 Plaintiff and Real Party in)
 20 Interest)

CASE NO. 1379826

COMPLAINT FOR INJUNCTIVE
 RELIEF TO ABATE A PUBLIC
 NUISANCE

21 vs.)
 22)
 EASTSIDE, a criminal street gang sued as an)
 23 unincorporated association; WESTSIDE, a criminal)
 street gang sued as an unincorporated association,)
 24 FRANCISCO ANAYA aka "Kartoon," as an)
 individual, MICHAEL CARDENAS aka)
 25 "PYSCHO MIKE," as an individual, BRYAN)
 CARRENO aka "SNEAK E," as an individual,)
 26 EDGAR CORDOVA aka "PLAYBOY," as an)
 individual, AUGUSTINE CRUZ aka "MUNECO")
 27 AND "FELON," as an individual, PEDRO)
 28 GARCIA aka "OSO," as an individual,)

1 RAYMOND MACIAS aka "BOXER," as an)
 2 individual, RUBEN MIZE aka "CHICO" AND)
 "GANGSTER LOKO," as an individual,)
 3 PATRICIA MORENO aka "MUNECA," as an)
 individual, MIGUEL PARRA aka "TRIPPS," as an)
 4 individual, OMAR RAMOS aka "SLEEPY," as an)
 individual, IVAN ROMERO aka "LIL)
 5 NIGHTMARE," as an individual, HUMBERTO)
 TRUJILLO aka "SMURF," as an individual,)
 6 JONATHAN ALONZO aka "LONELY ONE," as)
 an individual, CESAR BARADAS aka "CRAZY)
 7 BOY," as an individual, CHRISTIAN BOTELLO)
 8 aka "TWEETY," as an individual, ENRIQUE)
 CORTEZ aka "RISKY" OR "SHADOW," as an)
 9 individual, DANIEL FLORES aka "WHISPERS,")
 as an individual, RUBEN FLORES aka "LIL)
 10 WOODY," as an individual, MARICAL GARCIA)
 11 aka "TOPO," as an individual, MIGUEL GARCIA)
 aka "STIMPY," as an individual, DENISE)
 12 LAZARO GONZALEZ aka "SLEEPY LOCA," as)
 an individual, STACY IBARRA aka "GRUMPY,")
 13 as an individual, EDWIN MIGUEL aka "DOPES,")
 as an individual, MIGUEL MOLINA aka "MR.)
 14 SPARKY," as an individual, EMMANUEL)
 15 PADRON aka "MORENO," as an individual,)
 MARCOS RAMOS aka "SNEAKY," as an)
 16 individual, MICHAEL RODRIGUEZ aka "YOGI,")
 ROY SARABIA aka "SMOKEY," as an individual,)
 17 RAUL TORRES aka "MINI," as an individual, and)
 DOES 1 through 300, inclusive;)
 18)
 19 Defendants.)

20
 21 **INTRODUCTORY STATEMENT**

22 This complaint sets forth a single cause of action seeking to permanently enjoin
 23 Defendants Eastside criminal street gang (also known as "East Side," "ES," "Eastsider," "Evil
 24 Side," and "East Bruta" hereinafter referred to as "Eastside"), and Westside criminal street
 25 gang (also known as "West Side," "WS," "Westsider," "Wicked Side," and "West Bruta,"
 26 hereinafter referred to as "Westside"), the named individual gang members of each gang, and
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1 Does 1 through 300 (collectively referred to “Defendants”), from maintaining a public
2 nuisance.

3 Defendants Eastside and Westside are rival criminal street gangs, whose members,
4 including but not limited to those individuals named as defendants herein, have created a
5 hazardous public nuisance in the “Proposed Safety Zones A, B, Special Event, and Designated
6 Parks Zones,” (hereinafter referred to individually name or collectively as “Proposed Safety
7 Zones”) described herein, within the City of Santa Barbara.

9 Therefore, Plaintiffs, the People of the State of California, and Plaintiff and Real Party
10 in Interest, City of Santa Barbara acting by and through Stephen P. Wiley, the City Attorney of
11 Santa Barbara, and Joyce Dudley, the Santa Barbara County District Attorney, are informed
12 and believe, and based upon such information and belief, alleges:

14
15 **PLAINTIFFS**

16 1. Plaintiff is the People of the State of California (hereinafter “the People”), acting
17 by and through, the City Attorney for the City of Santa Barbara, and the District Attorney for
18 the County of Santa Barbara, who act under the authority of Code of Civil Procedure section
19 731 and Civil Code section 3494 to represent the People of the State of California.

20 2. At all times mentioned in the complaint, Plaintiff and Real Party in Interest, City
21 of Santa Barbara (hereinafter referred to as “the People”), was and is a municipal corporation
22 and a chartered city organized and existing under the laws of California.

24 3. Jurisdiction of this Court is invoked pursuant to Code of Civil Procedure section
25 526 and Civil Code section 3491.

26 4. California Code of Civil Procedure section 394 mandates venue of this action in
27 the County of Santa Barbara.



1 **DEFENDANTS - EASTSIDE**

2 5. Defendant Eastside was, currently is, and at all times mentioned in this
3 complaint, has been an unincorporated association within the meaning of Code of Civil
4 Procedure section 369.5, acting by and through its respective members and associates.
5 Defendant Eastside acts by and through its members, individually, collectively, in concert, and
6 conducts its affairs and activities in the City of Santa Barbara, County of Santa Barbara, State
7 of California. Defendant Eastside claims gang territory, or “turf,” within the Eastside of the
8 City of Santa Barbara and within areas of the Proposed Safety Zones.
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10 6. Defendant Eastside is and, at all times mentioned in this Complaint, has been a
11 criminal street gang as defined in Penal Code section 186.22, subdivision (f), inasmuch as
12 Defendant Eastside is a group of three or more individuals with a common name or common
13 symbol and whose members, individually or collectively, engage in or have engaged in a
14 pattern of criminal gang activity, and has as one of its primary activities the commission of
15 enumerated “predicate crimes.” Eastside gang members frequently invoke their gang’s name,
16 “Eastside,” when they commit their criminal and nuisance activities. Members of the gang use
17 their gang’s name to confront, intimidate, and harass individuals who live, work, visit, and pass
18 through the Proposed Safety Zones. Because its members function under a common name,
19 fairness requires that Defendant Eastside be recognized as a legal entity subject to suit and
20 equitable judicial remedies.
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23 7. Defendant Eastside is and, at all times mentioned herein, has been an
24 unincorporated association within the meaning of Corporations Code section 18035, inasmuch
25 as it consists of two or more individuals joined by mutual consent for some common lawful
26 purposes, such as attending social gatherings, recreational events, and funerals. However,
27 notwithstanding any common lawful purpose, Defendant Eastside is a criminal street gang
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1 whose members are primarily engaged in criminal and nuisance activities giving rise to a public
2 nuisance in the Proposed Safety Zones.

3 8. Defendant Eastside contains various subsets and cliques, including but not
4 limited to "Traviesos," "Krazies," and "Familia." Despite this, not all Eastside gang members
5 claim a clique or subset, but are still members of the Eastside gang.
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7 9. Defendant Eastside is comprised of individual adult members including, but not
8 limited to the following persons: 1. Francisco Anaya aka "Kartoon," 2. Michael Cardenas aka
9 "Psycho Mike," 3. Bryan Carreno aka "Sneak E," 4. Edgar Cordova aka "Playboy," 5.
10 Augustine Cruz aka "Muneco" and "Felon," 6. Pedro Garcia aka "Oso," 7. Raymond Macias
11 aka "Boxer," 8. Ruben Mize aka "Chico" and "Gangster Loko," 9. Patricia Moreno aka
12 "Muneca," 10. Miguel Parra aka "Tripps," 11. Omar Ramos aka "Sleepy," 12. Ivan Romero
13 "Lil Nightmare," and 13. Humberto Trujillo aka "Smurf" (all collectively hereinafter known as
14 "Designated Eastside Gang Members" or "Defendants"), each of whom has been in the
15 Proposed Safety Zones in the City of Santa Barbara and is responsible in some manner for the
16 public nuisance described in this Complaint.
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18 10. Defendant **Francisco Anaya aka "Kartoon"** is a known Eastside gang
19 member. Anaya has had numerous law enforcement contacts while associating with Eastside
20 gang members, has Eastside gang tattoo(s) tattooed on his body, has made admissions to the
21 Santa Barbara Police Department (SBPD) of his Eastside gang membership, and has been
22 arrested on several occasions for gang related crimes.
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24 11. Defendant **Michael Cardenas aka "Psycho Mike"** is a known Eastside gang
25 member. Cardenas has had numerous law enforcement contacts while associating with
26 Eastside gang members, has Eastside gang tattoo(s) tattooed on his body, and has made
27 admissions to the SBPD of his Eastside gang membership. On July 31, 2009, Cardenas
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1 displayed Eastside gang hand signs at SBPD officers and was wearing known Eastside gang
2 attire.

3 12. Defendant **Bryan Carreno aka "Sneak E"** is a known Eastside gang member.
4 Carreno has had numerous law enforcement contacts while associating with Eastside gang
5 members, has Eastside gang tattoo(s) tattooed on his body, has made admissions to the SBPD
6 of his Eastside gang membership, and has been contacted by law enforcement while in
7 possession of Eastside gang writings or wearing Eastside gang attire. On October 13, 2006,
8 Carreno was stabbed during a gang fight between Eastside gang members and the Westside
9 gang members.
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11 13. Defendant **Edgar Cordova aka "Playboy"** is a known Eastside gang member.
12 Cordova has had numerous law enforcement contacts while associating with Eastside gang
13 members, has Eastside gang tattoo(s) tattooed on his body, has made admissions to the SBPD
14 of his Eastside gang membership, has been contacted by law enforcement while in possession
15 of Eastside gang writings or wearing Eastside gang attire, has been observed by law
16 enforcement in photographs displaying Eastside gang hand signs, and has been arrested for
17 gang related crimes including assault with a deadly weapon (firearm).
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19 14. Defendant **Augustine Cruz aka "Muneco" and "Felon"** is a known Eastside
20 gang member. Cruz has had numerous law enforcement contacts while associating with
21 Eastside gang members, has Eastside gang tattoo(s) tattooed on his body, has made admissions
22 to the SBPD of his Eastside gang membership, has been contacted by law enforcement while in
23 possession of Eastside gang writings or wearing Eastside gang attire, and is a registered
24 Eastside gang member pursuant to Penal Code section 186.30. Cruz has been arrested for gang
25 related crimes including Eastside gang graffiti, vandalism, and petty theft.
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15. Defendant **Pedro Garcia aka "Oso"** is a known Eastside gang member. Pedro Garcia has had numerous law enforcement contacts while associating with Eastside gang members, has Eastside gang tattoo(s) tattooed on his body, has made admissions to the SBPD of his Eastside gang membership, has been contacted by law enforcement while in possession of Eastside gang writings or wearing Eastside gang attire, and has been observed by law enforcement in photographs displaying Eastside gang hand signs with other Eastside gang members/associates.

16. Defendant **Raymond Macias aka "Boxer"** is a known Eastside gang member. Macias has had numerous law enforcement contacts while associating with Eastside gang members, has Eastside gang tattoo(s) tattooed on his body, has made admissions to the SBPD of his Eastside gang membership, and has been contacted by law enforcement while in possession of Eastside gang writings or wearing Eastside gang attire.

17. Defendant **Ruben Mize aka "Chico" and "Gangster Loko"** is a known Eastside gang member. Mize has had numerous law enforcement contacts while associating with Eastside gang members, has Eastside gang tattoo(s) tattooed on his body, has made admissions to the SBPD of his Eastside gang membership, has been contacted by law enforcement while in possession of Eastside gang writings or wearing Eastside gang attire, and has been observed by law enforcement in photographs displaying Eastside gang hand signs. Mize has been arrested for numerous gang related incidents including battery, assault with a deadly weapon, attempted murder, and murder.

18. Defendant **Patricia Moreno aka "Muneca"** is a known Eastside gang member. Moreno has had numerous law enforcement contacts while associating with Eastside gang members, has Eastside gang tattoo(s) tattooed on her body, has made admissions to the SBPD



1 of her Eastside gang membership, has been contacted by law enforcement while in possession
2 of Eastside gang writings and wearing Eastside gang attire, and has been observed by law
3 enforcement in photographs displaying Eastside gang hand signs. Moreno has been arrested for
4 gang related crimes including Eastside gang graffiti, vandalism, and robbery.
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6 19. Defendant **Miguel Parra aka "Tripps"** is a known Eastside gang member.
7 Parra has had numerous law enforcement contacts while associating with Eastside gang
8 members, has Eastside gang tattoo(s) tattooed on his body, has made admissions to the SBPD
9 of his Eastside gang membership, and has been arrested for gang related crimes.

10 20. Defendant **Omar Ramos aka "Sleepy"** is a known Eastside gang member.
11 Omar Ramos has had numerous law enforcement contacts while associating with Eastside gang
12 members, has Eastside gang tattoo(s) tattooed on his body, has made admissions to the SBPD
13 of his Eastside gang membership, has been contacted by law enforcement while in possession
14 of Eastside gang writings or wearing Eastside gang attire, and has been arrested for gang
15 related crimes.
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17 21. Defendant **Ivan Romero aka "Lil Nightmare"** is a known Eastside gang
18 member. Romero has had numerous law enforcement contacts while associating with Eastside
19 gang members, has Eastside gang tattoo(s) tattooed on his body, has made admissions to the
20 SBPD of his Eastside gang membership, and has been arrested for gang related crimes.
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22 22. Defendant **Humberto Trujillo aka "Smurf"** is a known Eastside gang member.
23 Trujillo has had numerous law enforcement contacts while associating with Eastside gang
24 members, has Eastside gang tattoo(s) tattooed on his body, has made admissions to the SBPD
25 of his Eastside gang membership, has been contacted by law enforcement while in possession
26 of Eastside gang writings or wearing Eastside gang attire, and has been observed by law
27 enforcement in photographs displaying Eastside gang hand signs. Trujillo has been arrested for
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1 various gang related crimes.
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3 **DEFENDANTS - WESTSIDE**
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5 23. Defendant Westside was, currently is, and at all times mentioned in this
6 complaint, has been an unincorporated association within the meaning of Code of Civil
7 Procedure section 369.5, acting by and through its respective members and associates.

8 Defendant Westside acts by and through its members, individually, collectively, in concert, and
9 conducts its affairs and activities in the City of Santa Barbara, County of Santa Barbara, State
10 of California. Defendant Westside claims gang territory, or "turf," within the Westside of the
11 City of Santa Barbara and within areas of the Proposed Safety Zones.

12 24. Defendant Westside is and, at all times mentioned in this Complaint, has been a
13 criminal street gang as defined in Penal Code section 186.22, subdivision (f), inasmuch as
14 Defendant Westside is a group of three or more individuals with a common name or common
15 symbol and whose members, individually or collectively, engage in or have engaged in a
16 pattern of criminal gang activity, and has as one of its primary activities the commission of
17 enumerated "predicate crimes." Westside gang members frequently invoke their gang's name,
18 "Westside," when they commit their criminal and nuisance activities. Members of the gang use
19 their gang's name to confront, intimidate, and harass individuals who live, work, visit, and pass
20 through the Proposed Safety Zones. Because its members function under a common name,
21 fairness requires that Defendant Westside be recognized as a legal entity subject to suit and
22 equitable judicial remedies.
23

24
25 25. Defendant Westside is and, at all times mentioned herein, has been an
26 unincorporated association within the meaning of Corporations Code section 18035, inasmuch
27 as it consists of two or more individuals joined by mutual consent for some common lawful
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1 purposes, such as attending social gatherings, recreational events, and funerals. However,
2 notwithstanding any common lawful purpose, Defendant Westside is a criminal street gang
3 whose members are primarily engaged in the criminal and nuisance activities giving rise to the
4 public nuisance in the Proposed Safety Zones.

5
6 26. Defendant Westside contains various subsets and cliques, including but not
7 limited to “Projects,” “Destroyers,” “Tiny Locos,” and “Lokotes.” Despite this, not all
8 Westside gang members claim a clique or subset, but are still members of the Westside gang.

9 27. Defendant Westside is comprised of adult individual members including, but not
10 limited to the following persons: 1. Jonathan Alonzo aka “Lonely One,” 2. Cesar Baradas aka
11 “Crazy Boy,” 3. Christian Botello aka “Tweety,” 4. Enrique Cortez aka “Risky” or “Shadow,”
12 5. Daniel Flores aka “Whispers,” 6. Ruben Flores aka “Lil Woody,” 7. Marical Garcia aka
13 “Topo,” 8. Miguel Garcia aka “Stimpy,” 9. Denise Lazaro Gonzalez aka “Sleepy Loca,” 10.
14 Stacy Ibarra aka “Grumpy,” 11. Edwin Miguel aka “Dopes,” 12. Miguel Molina aka “Mr.
15 Sparky,” 13. Emmanuel Padron aka “Moreno,” 14. Marcos Ramos aka “Sneaky,” 15.
16 Michael Rodriguez aka “Yogi,” 16. Roy Sarabia aka “Smokey,” and 17. Raul Torres aka
17 “Mini” (all collectively hereinafter known as “Designated Westside Gang Members” or
18 “Defendants”), each of whom has been in the Proposed Safety Zones in the City of Santa
19 Barbara and is responsible in some manner for the public nuisance described in this Complaint.
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22 28. Defendant **Jonathan Alonzo aka “Lonely One”** is a known Westside gang
23 member. Alonzo has made admissions to the SBPD of his Westside gang membership, has had
24 numerous law enforcement contacts while associating with Westside gang members, has been
25 contacted by law enforcement while in possession of Westside gang writings or wearing
26 Westside gang attire, has been observed displaying Westside gang hand signs, and has been
27 arrested for gang related crimes including Westside gang graffiti, assault with a deadly weapon,
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1 and murder.

2 29. Defendant **Cesar Baradas aka "Crazy Boy"** is a known Westside gang
3 member. Baradas has made admissions to the SBPD of his Westside gang membership, has
4 had numerous law enforcement contacts while associating with Westside gang members, has
5 been contacted by law enforcement while in possession of Westside gang writings or wearing
6 Westside gang attire, and has been arrested for gang related crimes including fighting with rival
7 gang members and assault with a deadly weapon.
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9 30. Defendant **Christian Botello aka "Tweety"** is a known Westside gang member.
10 Botello has made admissions to the SBPD of his Westside gang membership, has Westside
11 gang tattoo(s) tattooed on his body, has had numerous law enforcement contacts while
12 associating with Westside gang members, has been contacted by law enforcement while in
13 possession of Westside gang writings or wearing Westside gang attire, and has been arrested
14 for gang related crimes including assault with a deadly weapon.
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16 31. Defendant **Enrique Cortez aka "Risky" or "Shadow"** is a known Westside
17 gang member. Cortez has made admissions to the SBPD of his Westside gang membership,
18 has Westside gang tattoo(s) tattooed on his body, has had numerous law enforcement contacts
19 while associating with Westside gang members, has been contacted by law enforcement while
20 in possession of Westside gang writings or wearing Westside gang attire, has been observed
21 displaying Westside gang hand signs, and has been arrested for gang related crimes including
22 Westside gang graffiti and grand theft auto.
23

24 32. Defendant **Daniel Flores aka "Whispers"** is a known Westside gang member.
25 Flores has made admissions to the SBPD of his Westside gang membership, has Westside gang
26 tattoo(s) tattooed on his body, has had numerous law enforcement contacts while associating
27 with Westside gang members, has been contacted by law enforcement while in possession of
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1 Westside gang writings or wearing Westside gang attire, has been observed in photographs
2 displaying Westside gang hand signs, and has been arrested for gang related crimes including
3 assault with a deadly weapon and gang graffiti.

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5 33. Defendant **Ruben Flores aka "Lil Woody"** is a known Westside gang member.
6 Ruben Flores has made admissions to the SBPD of his Westside gang membership, has
7 Westside gang tattoo(s) tattooed on his body, has had numerous law enforcement contacts
8 while associating with Westside gang members, has been contacted by law enforcement while
9 in possession of Westside gang writings, and has been arrested for gang related crimes.

10 34. Defendant **Marical Garcia aka "Topo"** is a known Westside gang member.
11 Marical Garcia has made admissions to the SBPD of his Westside gang membership, has
12 Westside gang tattoo(s) tattooed on his body, has had numerous law enforcement contacts
13 while associating with Westside gang members, has been contacted by law enforcement while
14 in possession of Westside gang writings or wearing Westside gang attire, has been observed by
15 SBPD displaying Westside gang hand signs, and has been arrested for gang related crimes
16 including battery, robbery, and witness intimidation.

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18 35. Defendant **Miguel Garcia aka "Stimpy"** is a known Westside gang member.
19 Miguel Garcia has made admissions to the SBPD of his Westside gang membership, has
20 Westside gang tattoo(s) tattooed on his body, and has had numerous law enforcement contacts
21 while associating with Westside gang members.

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23 36. Defendant **Denise Lazaro Gonzalez aka "Sleepy Loca"** is a known Westside
24 gang member. Gonzalez has made admissions to the SBPD of his Westside gang membership,
25 has had numerous law enforcement contacts while associating with Westside gang members,
26 has been observed in photographs displaying Westside gang hand signs, and has been arrested
27 for gang related crimes including gang graffiti.

1 37. Defendant **Stacy Ibarra aka "Grumpy"** is a known Westside gang member.
2 Ibarra has had numerous law enforcement contacts while associating with Westside gang
3 members, has been observed in photographs displaying Westside gang hand signs, and has
4 been arrested for gang related crimes including robbery and gang graffiti.

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6 38. Defendant **Edwin Miguel aka "Dopes"** is a known Westside gang member.
7 Miguel has made admissions to the SBPD of his Westside gang membership, has had numerous
8 law enforcement contacts while associating with Westside gang members, has been contacted
9 by law enforcement while in possession of Westside gang writings or wearing Westside gang
10 attire, and has been arrested for gang related crimes including possession of a dangerous
11 weapon.

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13 39. Defendant **Miguel Molina aka "Mr. Sparky"** is a known Westside gang
14 member. Molina has made admissions to the SBPD of his Westside gang membership, has
15 Westside gang tattoo(s) tattooed on his body, has had numerous law enforcement contacts
16 while associating with Westside gang members, has been contacted by law enforcement while
17 in possession of Westside gang writings or wearing Westside gang attire, has been observed
18 displaying Westside gang hand signs, and has been arrested for gang related crimes including
19 assault with a deadly weapon and possession of a dangerous weapon.

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21 40. Defendant **Emmanuel Padron aka "Moreno"** is a known Westside gang
22 member. Padron has made admissions to the SBPD of his Westside gang membership, has had
23 numerous law enforcement contacts while associating with Westside gang members, has been
24 contacted by law enforcement while in possession of Westside gang writings or wearing
25 Westside gang attire, and has been arrested for gang related crimes including fighting with rival
26 gang member(s) and battery causing great bodily injury.

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41. Defendant **Marcos Ramos aka "Sneaky"** is a known Westside gang member. Marcos Ramos has made admissions to the SBPD of his Westside gang membership, has Westside gang tattoo(s) tattooed on his body, has had numerous law enforcement contacts while associating with Westside gang members, has been contacted by law enforcement while in possession of Westside gang writings or wearing Westside gang attire, has been observed in photographs displaying Westside gang hand signs, and has been arrested for gang related crimes.

42. Defendant **Michael Rodriguez aka "Yogi"** is a known Westside gang member. Rodriguez has made admissions to the SBPD of his Westside gang membership, has Westside gang tattoo(s) tattooed on his body, has had numerous law enforcement contacts while associating with Westside gang members, has been contacted by law enforcement while in possession of Westside gang writings or wearing Westside gang attire, has been observed in photographs displaying Westside gang hand signs, and has been arrested for gang related crimes.

43. Defendant **Roy Sarabia aka "Smokey"** is a known Westside gang member. Sarabia has made admissions to the SBPD of his Westside gang membership, has had numerous law enforcement contacts while associating with Westside gang members, has been observed displaying Westside gang hand signs, and has been arrested for gang related crimes including terrorist threats and witness intimidation. Sarabia is a registered Westside gang member pursuant to Penal Code section 186.30.

44. Defendant **Raul Torres aka "Mini"** is a known Westside gang member. Torres has made admissions to the SBPD of his Westside gang membership, has Westside gang tattoo(s) tattooed on his body, has had numerous law enforcement contacts while associating

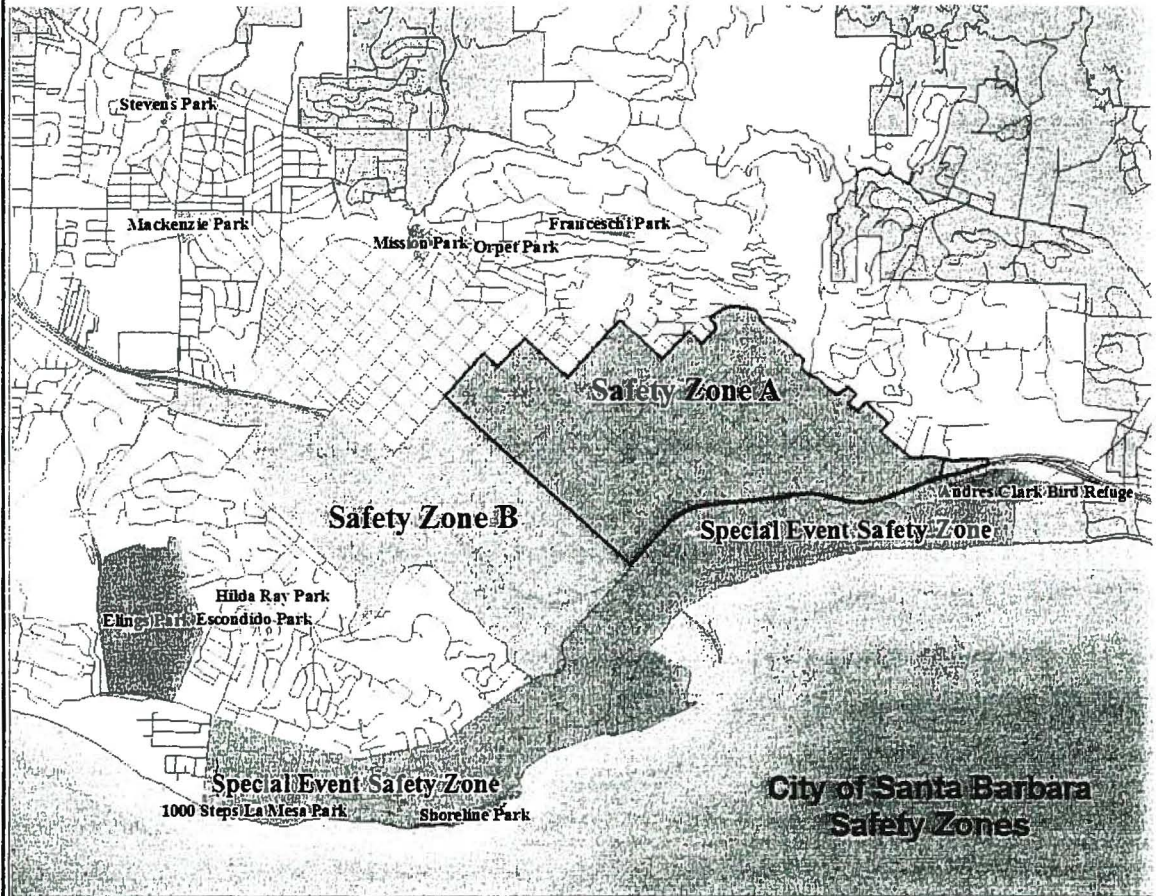
1 with Westside gang members, has been contacted by law enforcement while in possession of
2 Westside gang writings or wearing Westside gang attire, and has been arrested for gang related
3 crimes including assault with a deadly weapon and gang graffiti.

4 45. Defendants Does 1 through 300 are individuals, the true identities of whom are
5 presently unknown to the People, who therefore sue these defendants by such fictitious names.
6 The People will amend this complaint to allege their true names when such information is
7 ascertained. The People are informed and believe that each of the defendants designated as
8 Does 1 through 300, inclusive, are members of Defendants Eastside or Westside criminal street
9 gangs, have been in the Proposed Safety Zones, and are responsible in some manner for the
10 public nuisance described in this Complaint.

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1 **PROPOSED SAFETY ZONES**

2 46. The People seek injunctive relief within the City of Santa Barbara as depicted in
3 the "Proposed Safety Zones" attached hereto as Exhibit A and incorporated in full by this
4 reference, and as depicted herein:
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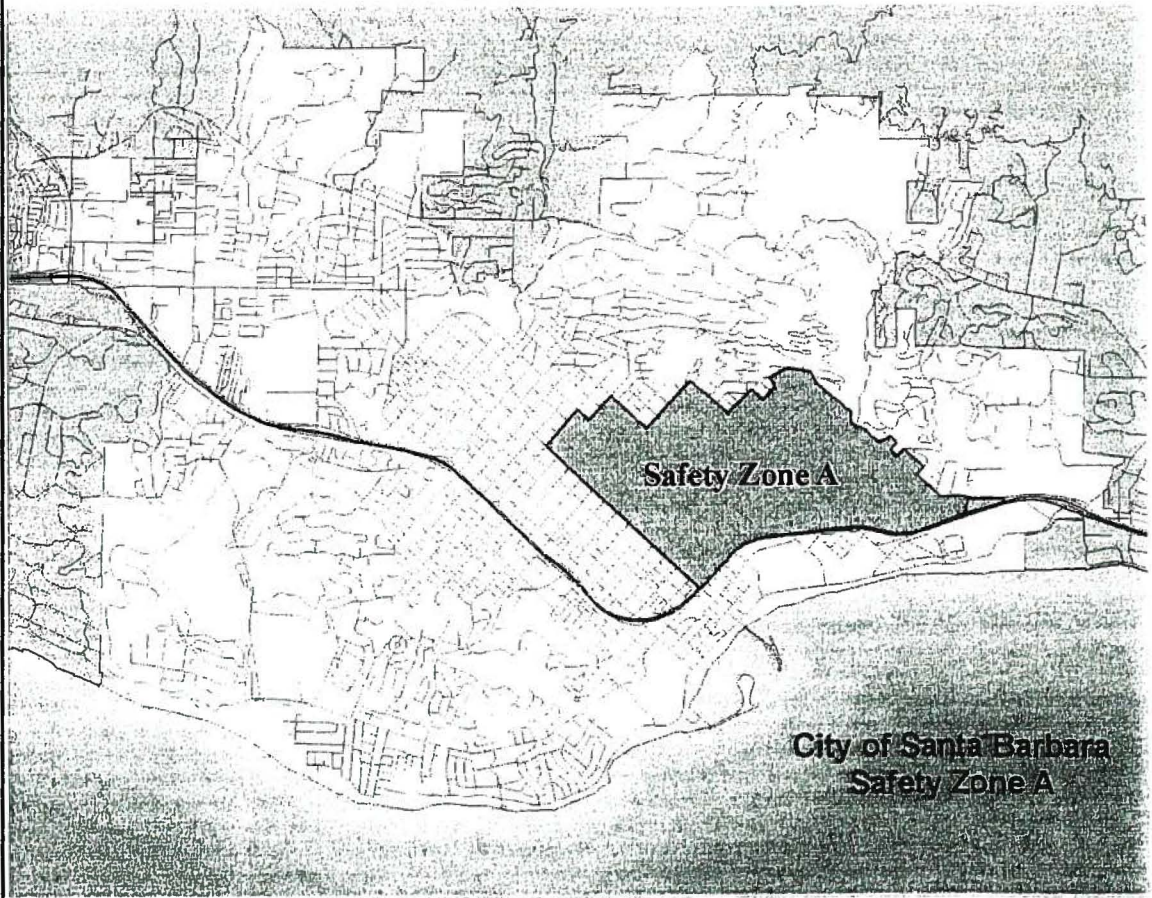
20 47. The Proposed Safety Zone-A includes Eastside main "turf" areas, and has a high
21 saturation of gang-related crime and is described as follows:
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23 "Beginning at the southeasterly corner of that certain tract of land commonly
24 known as the Michael Koury Tennis Stadium property, formerly known as the
25 Municipal Tennis Courts, as described in the deed to the City of Santa Barbara
26 recorded on August 11, 1909, in Book 124 of Deeds, at Page 354, in the office of
27 the County Recorder of said County, being a point on the northwesterly line of
28 US Highway 101; thence the following courses: 1st, Northerly along the easterly
line of said Michael Koury Tennis Stadium tract of land and its northerly
extension to its intersection with the northerly line of Old Coast Highway; 2nd,
Westerly along the northerly line of Old Coast Highway to its intersection with
the northeasterly line of Salinas Street; 3rd, Northwesterly along the northeasterly

1 line of Salinas Street to its intersection with the northwesterly line of Cacique
2 Street; 4th, Northeasterly along the northwesterly line of Cacique Street to its
3 intersection with the northeasterly line of Santa Ynez Street; 5th, Northwesterly
4 along the northeasterly line of Santa Ynez Street (including the northeasterly line
5 of that portion of Santa Ynez Street not presently open) to its intersection with the
6 southeasterly line of Salinas Place, being also a point on the southwesterly line of
7 Cleveland Elementary School; 6th, Northwesterly along the northeasterly line of
8 Salinas Place to its northwesterly terminus; 7th, Southwesterly along the
9 northwesterly terminus of Salinas Place to its intersection with the southwesterly
10 line of Salinas Place; 8th, Southeasterly and southwesterly along the southwesterly
11 and northwesterly line of Salinas Place to its intersection with the northeasterly
12 line of Salinas Street; 9th, Northwesterly along the northeasterly line of Salinas
13 Street to its intersection with the common intersection line of Salinas Street,
14 Alameda Padre Serra, Sycamore Canyon Road and Yanonali Street; 10th,
15 Northwesterly and westerly along the common intersection line of Salinas Street,
16 Alameda Padre Serra, Sycamore Canyon Road and Yanonali Street to the
17 intersection of the westerly line of Sycamore Canyon Road with the northeasterly
18 line of Alameda Padre Serra; 11th, Northwesterly along the northeasterly line of
19 Alameda Padre Serra to its intersection with the easterly extension of the
20 northerly line of De La Guerra Road; 12th, Westerly, southwesterly, southerly and
21 southeasterly along the northerly, northwesterly, westerly and southwesterly line
22 of De La Guerra Road to its intersection with the northwesterly line of De La
23 Guerra Street; 13th, Southwesterly along the northwesterly line of De La Guerra
24 Street to its intersection with the northeasterly line of Voluntario Street; 14th,
25 Northwesterly along the northeasterly line of Voluntario Street, and northwesterly
26 along the northeasterly line of that certain former portion of Voluntario Street
27 vacated by Resolution No. 04-029 of the Council of the City of Santa Barbara, a
28 copy of which was recorded on May 28, 2004, as Instrument No. 2004-0057799,
of Official Records, to its intersection with the northwesterly line of Canon
Perdido Street; 15th, Southwesterly along the northwesterly line of Canon Perdido
Street to its intersection with the northeasterly line of Milpas Street; 16th,
Northwesterly along the northeasterly line of Milpas Street to its intersection with
the northwesterly line of Anapamu Street; 17th, Southwesterly along the
northwesterly line of Anapamu Street to its intersection with the northeasterly line
of Olive Street; 18th, Northwesterly along the northeasterly line of Olive Street to
its intersection with the northwesterly line of Micheltorena Street; 19th,
Southwesterly along the northwesterly line of Micheltorena Street to its
intersection with the northeasterly line of Garden Street; 20th, Northwesterly along
the northeasterly line of Garden Street to its intersection with the northwesterly
line of Arrellaga Street; 21st, Southwesterly along the northwesterly line of
Arrellaga Street to its intersection with the southwesterly line of State Street; 22nd,
Southeasterly along the southwesterly line of State Street to its intersection with
the northwesterly line of US Highway 101; 23rd, Northeasterly, easterly,
southeasterly, easterly and northeasterly along the northwesterly, northerly,
southeasterly, easterly and northeasterly line of US Highway 101 to the
southeasterly corner of the City tract of land commonly known as the Michael
Koury Tennis Stadium mentioned hereinabove, being the point of beginning.”

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The following map depicts the Proposed Safety Zone-A:



48. The Proposed Safety Zone-B includes Westside main “turf” areas, and has a high saturation of gang-related crime and is described as follows:

“Beginning at the intersection of the westerly line of Las Positas Road with the southerly line of US Highway 101; thence the following courses: 1st, Southerly and southwesterly along the said westerly line of Las Positas Road to its intersection with the northerly line of Modoc Road; 2nd, Leaving said westerly line of Las Positas Road southeasterly and easterly along the southeasterly extension of said northerly line of Modoc Road to its intersection with the northeasterly extension of the northwesterly line of Portesuello Avenue; 3rd, Leaving the said northerly line of Modoc Road southwesterly along the northwesterly line of Portesuello Avenue to its intersection with the northwesterly extension of the southwesterly line of Mountain Avenue; 4th, Leaving the said northwesterly line of Portesuello Avenue southeasterly along the southwesterly line of Mountain Avenue to its intersection with the westerly line of Miramonte Drive; 5th, Southerly, southwesterly and southerly along the westerly, northwesterly and easterly line of Miramonte Drive and its southerly extension to its intersection with the southeasterly line of Carrillo Street; 6th, Northeasterly, northerly, northeasterly and easterly along the southeasterly, easterly, southeasterly and southerly line of Carrillo Street to its intersection with the

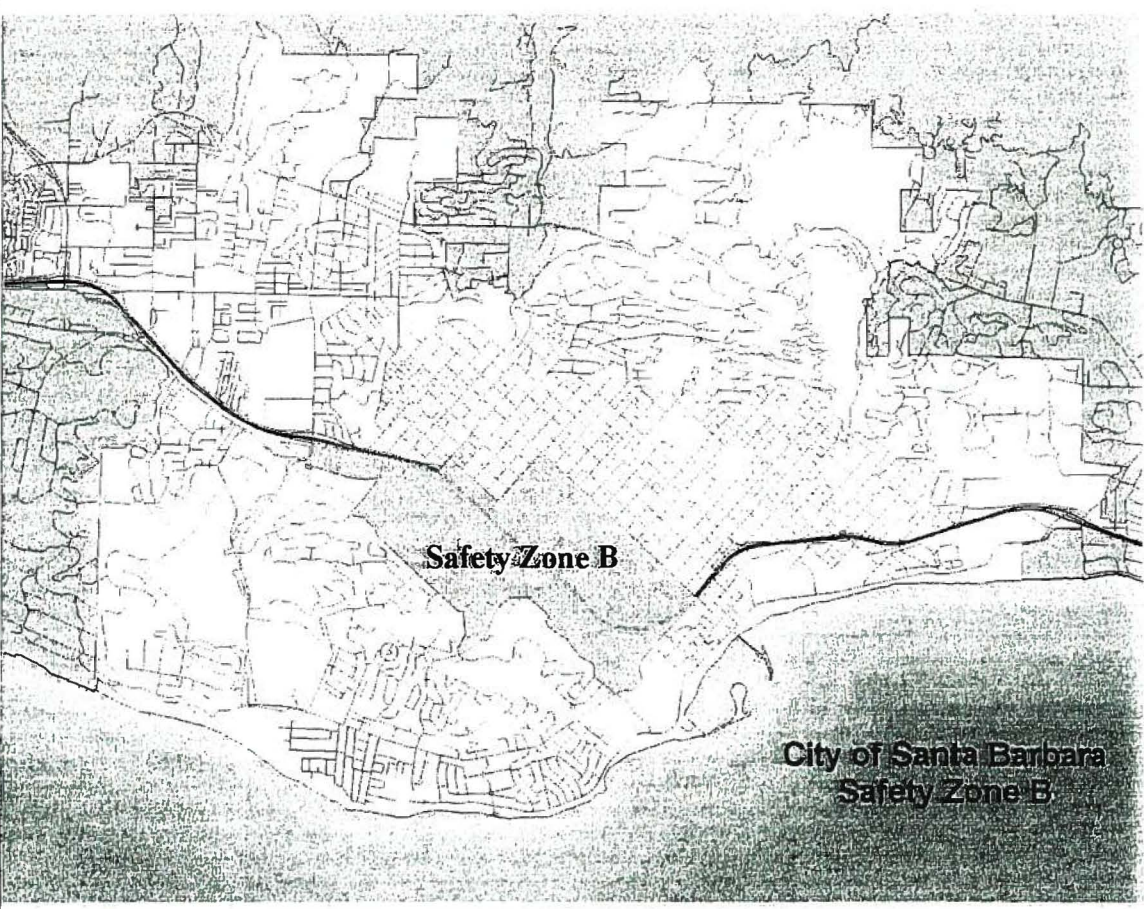
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southwesterly line of San Andres Street; 7th, Southeasterly along the southwesterly line of San Andres Street to its intersection with the northwesterly line of Canon Perdido Street; 8th, Southwesterly along the northwesterly line of Canon Perdido Street to its intersection with the southwesterly line of Loma Alta Drive; 9th, Southeasterly, southerly and southeasterly along the southwesterly, westerly and southwesterly line of Loma Alta Drive and its southeasterly extension to its intersection with the southeasterly line of Cliff Drive; 10th, Northeasterly, northerly and northeasterly along the southeasterly, easterly and southeasterly line of Cliff Drive to its intersection with the southeasterly line of Montecito Street; 11th, Northeasterly along the southeasterly line of Montecito Street to its intersection with the northeasterly line of State Street; 12th, Northwesterly along the northeasterly line of State Street to its intersection with the northwesterly line of Arrellaga Street; 13th, Southwesterly along the northwesterly line of Arrellaga Street to its intersection with the northeasterly line of Castillo Street; 14th, Northwesterly along the northeasterly line of Castillo Street to its intersection with the northwesterly line of Mission Street; 15th, Southwesterly along the northwesterly line of Mission Street to its intersection with the southwesterly line of US Highway 101; 16th, Northwesterly along the southwesterly line of US Highway 101 to the westerly line of Las Positas Road, being the point of beginning.”

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The following map depicts the Proposed Safety Zone-B:



49. The Proposed Safety Zone-Special Event includes areas that have a high saturation of gang-related crime during the same events every year, namely Fourth of July and Old Spanish Days Fiesta Celebration (“Fiesta”) (begins on the Wednesday before the first Friday in August) and is described as follows:

“(Beachfront – Mesa Lane Beach Stairway to Stearns Wharf):
Beginning at the southwesterly corner of Block K of Palisades Tract Number Two, as shown on the map recorded in Map Book 15, at Pages 39 through 41, in the Office of the County Recorder of said County, on which is located the commonly known Mesa Lane Beach Stairway, being a point on the shoreline of the Pacific Ocean; Thence the following courses:
1st, Southeasterly, easterly and northeasterly along the shoreline of the Pacific Ocean to the real property commonly known as the Santa Barbara Harbor and Breakwater, which is located within the boundary of the real property commonly known as the State Tidelands Grant to the City of Santa Barbara, as described in Statutes of the State of California, Chapters 13 and 365, dated 1937, a copy of which was recorded on December 19, 1937 in Book 419, at Page 197, of Official Records in the Office of the County Recorder of said County; 2nd, Northeasterly,

1 from the easterly terminus of the Breakwater of the Santa Barbara Harbor, to the
2 southeasterly corner of Stearns Wharf, which is also located within the boundary
3 of the State Tidelands Grant to the City of Santa Barbara mentioned hereinabove;
4 3rd, Northerly, northeasterly, southwesterly, southeasterly, southwesterly and
5 northwesterly along the easterly, northeasterly, northwesterly, southwesterly,
6 northwesterly and northeasterly sidelines of said Stearns Wharf, to its intersection
7 with the southeasterly line of Cabrillo Boulevard; 4th, Northeasterly along the
8 southeasterly line of Cabrillo Boulevard to the southeasterly extension of the
9 northeasterly line of State Street; 5th, Northwesterly along the northeasterly line of
10 State Street to its intersection with the northwesterly line of Montecito Street, as it
11 presently exists; 6th, Southwesterly along the northerly line of Montecito Street to
12 its intersection with the northeasterly extension of the northwesterly line of Cliff
13 Drive; 7th, Southwesterly, southerly, southwesterly, westerly and northwesterly
14 along the northwesterly, westerly, northwesterly, northerly and northeasterly line
15 of Cliff Drive to its intersection with the northerly extension of the westerly line
16 of Mesa Lane; 8th, Southerly along the westerly line of Mesa Lane to its
17 intersection with the southeasterly line of Edgewater Way, being the
18 northwesterly corner of said Block K of the Palisades Tract Number Two, as
19 shown on the map recorded in Map Book 15, at Pages 39 through 4 mentioned
20 hereinabove; 9th, Southerly along the westerly line of said Block K to its
21 southwesterly corner, being the point of beginning; and

22 (Waterfront):

23 Beginning at the southwesterly corner of Stearns Wharf, which is located within
24 the boundary of the real property commonly known as the State Tidelands Grant
25 to the City of Santa Barbara, as described in Statutes of the State of California,
26 Chapters 13 and 365, dated 1937, a copy of which was recorded on December 19,
27 1937 in Book 419, at Page 197, of Official Records in the Office of the County
28 Recorder of said County; Thence the following courses: 1st, Northerly and
northwesterly along the westerly and southwesterly line of said Stearns Wharf to
its intersection with the southeasterly line of Cabrillo Boulevard; 2nd,
Southwesterly along the southeasterly line of Cabrillo Boulevard to its
intersection with the southeasterly extension of the southwesterly line of State
Street; 3rd, Leaving said line of Cabrillo Boulevard, northwesterly along the
southeasterly extension of the southwesterly line of State Street to the
intersection of the northwesterly line of Cabrillo Boulevard with the
southwesterly line of State Street; 4rd, Northwesterly along the southwesterly line
of State Street to its intersection with the southeasterly line of US Highway 101;
5th, Northeasterly, easterly, southeasterly, easterly and northeasterly along the
southeasterly, southerly, southwesterly, southerly and southeasterly line of US
Highway 101 to its intersection with the northeasterly line of Los Patos Way; 6th,
Southeasterly along the northeasterly line of Los Patos Way, and its southeasterly
extension, to its intersection with the southeasterly line of Cabrillo Boulevard; 7th,
Southwesterly, westerly and southwesterly along the southeasterly, southerly and
southeasterly line of Cabrillo Blvd to the northeast corner of the tract of land
commonly known as East Beach, as described in the deed to the City of Santa
Barbara recorded on December 30, 1904, in Book 103 of Deeds, at Page 349, in
the Office of the County Recorder of said County; 8th, Southwesterly, westerly,

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southwesterly, southeasterly and southerly along the easterly line of said East Beach tract to its southeast corner, being a point on the shoreline of the Pacific Ocean; 9th, Westerly along the shoreline of the Pacific Ocean and the southerly line of said East Beach tract to its southwest corner, said corner being also the southeast corner of the tracts of land commonly known together as Cabrillo Pavilion and Arts Center and East Beach, as described in the deed to the City of Santa Barbara recorded on September 27, 1904, in Book 103 of Deeds, at Page 139; and in the deed recorded in Book 107 of Deeds, at Page 4; both in the Office of the County Recorder of said County; 10th, Westerly along the shoreline of the Pacific Ocean and the southerly line of said Cabrillo Pavilion and Arts Center and East Beach tract to its southwest corner, said corner being also the southeast corner of the tracts of land commonly known together as portions of Chase Palm Park, as described in the deed to the City of Santa Barbara recorded on April 4, 1902, in Book 83 of Deeds, at Page 1; and in the deed recorded on September 27, 1904, in Book 103 of Deeds, at Page 139; both in the Office of the County Recorder of said County; 11th, Westerly and southwesterly along the shoreline of the Pacific Ocean and the southerly and southeasterly lines of said portions of Chase Palm Park to its southwest corner, said corner being a point on the northeasterly line of said Stearns Wharf located within the boundary of the real property commonly known as the State Tidelands Grant as mentioned hereinabove; 12th, Southeasterly, easterly, northwesterly, northeasterly, southeasterly, southerly and westerly along the northeasterly, northerly, southwesterly, northwesterly, northeasterly, easterly and southerly sidelines of said Stearns Wharf to the point of beginning; and

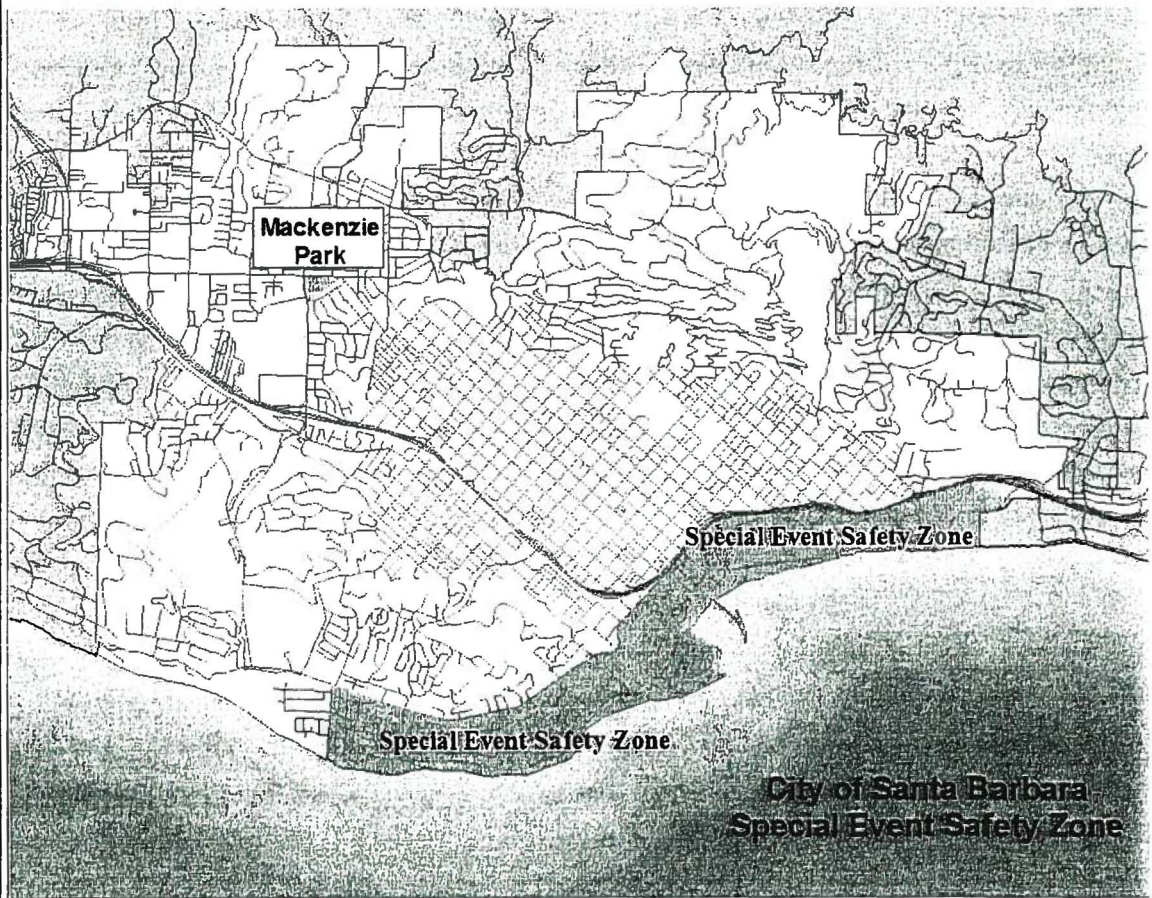
(MacKenzie Park):

All of those certain tracts of land in the City of Santa Barbara, County of Santa Barbara, State of California, commonly known and referred to as MacKenzie Park, described in the deed to the City of Santa Barbara recorded on May 18, 1956, in Book 1379, at Page 588; and in the deed recorded on May 18, 1956, in Book 1379, at Page 595; both of Official Records, in the Office of the County Recorder of said County.”

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The following map depicts the Proposed Safety Zone-Special Event which will only be applicable every Fourth of July and Fiesta:



50. The Proposed Safety Zone-Designated Parks includes specific, non-contiguous parks: Andree Clark Bird Refuge, Elings Park, Escondido Neighborhood Park, Francheschi Park, Hilda McIntyre Ray Neighborhood Park, La Mesa Neighborhood Park, Mesa Lane Steps Park, Mission Historical Park and A.C. Postel Rose Garden, Orpet Park, Shoreline Community Park, Stevens Neighborhood Park, which are not within the other Proposed Safety Zones, and that have a high saturation of gang-related crime and is described as follows:

“(Andree Clark Bird Refuge): That certain real property in the City of Santa Barbara, County of Santa Barbara, State of California, commonly known as the Andree Clark Bird Refuge, described in the deed to the City of Santa Barbara

1 recorded on August 11, 1909, in Book 124 of Deeds, at Page 354, in the Office of
2 the County Recorder of said County.

3 (Elings Park): Those certain tracts of real property in the City of Santa Barbara,
4 County of Santa Barbara, State of California, commonly known together as Elings
5 Park, described in the deed to the City of Santa Barbara recorded on February 1,
6 1974, in Book 2499, at Page 316; and in the deed recorded on March 4, 1942, in
7 Book 547, at Page 310; and the deed recorded on November 22, 1950, in Book
8 973, at Page 237; and in the deed recorded June 9, 1969, in Book 2273, at Page
9 1334; and in the deed recorded on February 1, 1974, in Book 2499, at Page 319;
10 all of Official Records, in the Office of the County Recorder of said County.

11 (Escondido Park): That certain real property in the City of Santa Barbara, County
12 of Santa Barbara, State of California, commonly known as Escondido Park, being
13 a portion of the real property commonly known as Escondido Reservoir, more
14 particularly described in the deed to the City of Santa Barbara recorded on
15 December 12, 1947, in Book 753, at Page 381, of Official Records, in the Office
16 of the County Recorder of said County.

17 (Franceschi Park): All of those certain tracts of land in the City of Santa Barbara,
18 County of Santa Barbara, State of California, commonly known and referred to
19 together as Franceschi Park, described in the deed to the City of Santa Barbara
20 recorded on May 1, 1962, in Book 1924 at Page 7; and in the deed recorded on
21 June 11, 1931, in Book 245 at Page 196; and in the deed recorded on August 19,
22 1982, as Instrument No. 82-34796; and in the deed recorded on August 13, 1976,
23 as Instrument No. 76-34289; all of Official Records, in the Office of the County
24 Recorder of said County.

25 (Hilda MacIntyre Ray Park): That certain real property in the City of Santa
26 Barbara, County of Santa Barbara, State of California, commonly known as Hilda
27 MacIntyre Ray Park, described in the deed to the City of Santa Barbara recorded
28 on April-17, 1954, in Book 1616, at Page 70, of Official Records, in the Office of
the County Recorder of said County.

(La Mesa Park):

Those certain tracts of real property in the City of Santa Barbara, County of Santa
Barbara, State of California, commonly known as La Mesa Park, described
together in the deed to the City of Santa Barbara recorded on August 21, 1973, in
Book 2477, at Page 1389; and in the deed recorded on June 30, 1953, in Book
1163, at Page 385; both of Official Records, in the Office of the County Recorder
of said County, excepting therefrom those former portions of La Mesa Park
located within Shoreline Drive and within the tract of land commonly known as
Washington Elementary School.

(Mesa Lane Beach Stairway): That certain Beach Trail, now commonly known as
the Mesa Lane Beach Stairway, shown and dedicated within Block K of the
Palisades Tract Number Two, as shown on the map recorded in Map Book 15, at
Pages 39 through 41, and also shown on the map filed in Book 33 of Records of

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Surveys, at Page 33, together with that certain easement for public beach access described in the deed to the City of Santa Barbara recorded on June 29, 1981, as Instrument No. 81-26480, of Official Records, and together with that certain easement for public beach access described in the deed to the City of Santa Barbara recorded on July 30, 1981, as Instrument No. 81-31307, of Official Records, all in the Office of the County Recorder of said County.

(Mission Historical Park): All of those certain tracts of land in the City of Santa Barbara, County of Santa Barbara, State of California, commonly known and referred to together as Mission Historical Park, described in the deed to the City of Santa Barbara recorded on September 18, 1928, in Book 158, at Page 100, of Official Records; and within the deed recorded on December 30, 1911, in Book 133 of Deeds, at Page 305; and in the deed recorded on January 27, 1948, in Book 767, at Page 193, of Official Records, all in the Office of the County Recorder of said County.

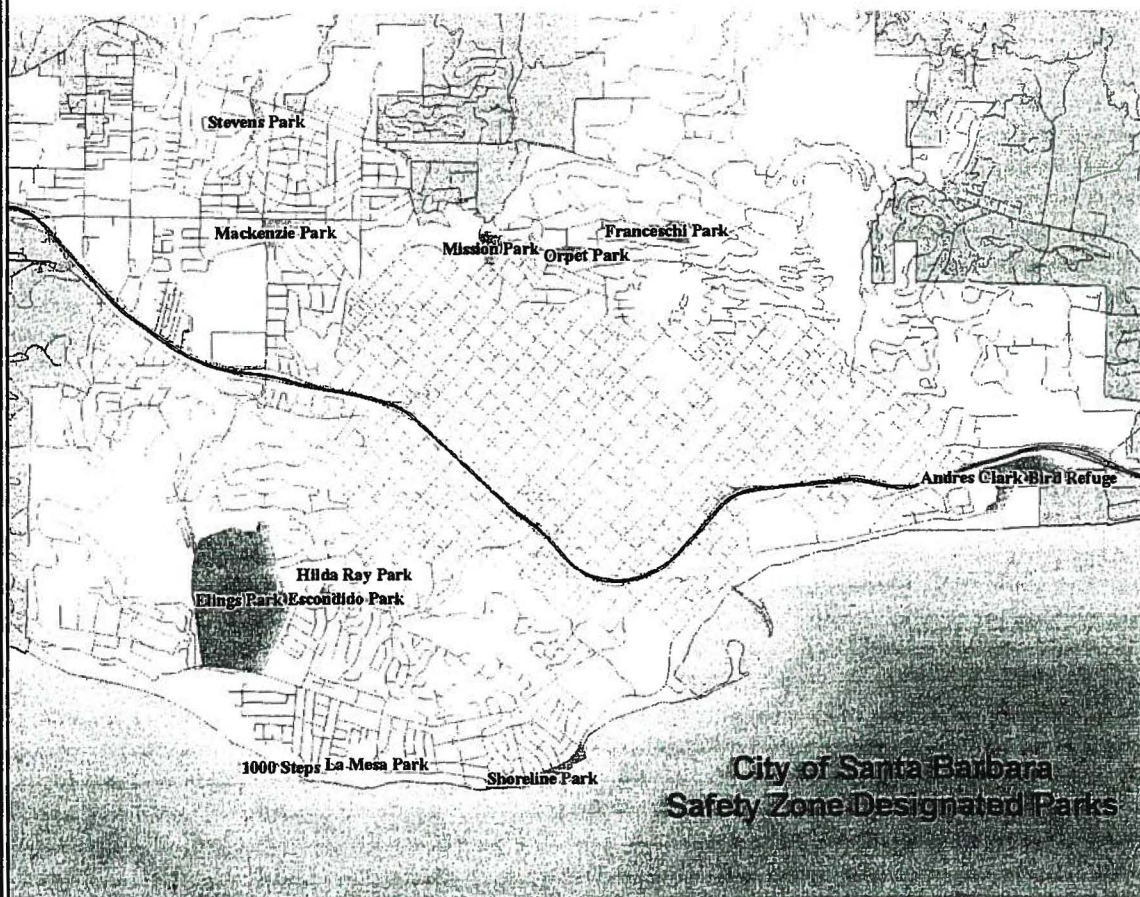
(Upper and Lower Orpet Park): All of that certain tract of land in the City of Santa Barbara, County of Santa Barbara, State of California, commonly known and referred to as Upper Orpet Park and Lower Orpet Park, described in the deed to the City of Santa Barbara recorded on October 8, 1919, in Book 178 of Deeds, at Page 36, in the Office of the County Recorder of said County.

(Shoreline Park): That certain real property in the City of Santa Barbara, County of Santa Barbara, State of California, commonly known as Shoreline Park, described in the deed to the City of Santa Barbara recorded on August 5, 1966, in Book 2161, at Page 45, of Official Records, in the Office of the County Recorder of said County.

(Stevens Park): All of those certain tracts of land in the City of Santa Barbara, County of Santa Barbara, State of California, commonly known and referred to together as Stevens Park, described in the deed to the City of Santa Barbara recorded on February 3, 1939, in Book 455, at Page 276; and in the deed recorded on November 18, 1958, in Book 1571, at Page 194; and in the deed recorded on July 1, 1969, in Book 2276, at Page 694; all of Official Records, in the Office of the County Recorder of said County.

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1 The following map depicts the Proposed Safety Zone-Designated Parks:



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18 51. It is in these Proposed Safety Zones, that Eastside and Westside gangs, through
19 their members, have created a public nuisance by engaging in gang warfare consisting of
20 criminal and nuisance activities.

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23 **FIRST CAUSE OF ACTION**

24 **MAINTENANCE OF A PUBLIC NUISANCE**

25 **CIVIL CODE SECTIONS 3479 AND 3480**

26 52. The People repeat, re-allege and incorporate herein by this reference each and
27 every allegation contained in Paragraphs 1 through 51, inclusive.

1 53. Defendants' activities constitute a public nuisance pursuant to Civil Code
2 sections 3479 and 3480. Throughout the Proposed Safety Zones, Defendants, individually,
3 collectively, and in concert, threaten, intimidate, carry weapons, confront, assault, and rob
4 individuals. Throughout the Proposed Safety Zones, Defendants, individually, collectively, and
5 in concert, vandalize public and private property, trespass, loiter, sell and use narcotics,
6 unlawfully drink alcohol on sidewalks, streets, parking lots, apartment complexes, and public
7 parks. Defendants' criminal and nuisance behavior is injurious to the health, indecent and
8 offensive to the senses, and an obstruction to the free use of property, so as to interfere with the
9 comfortable enjoyment of life and property by the people who live, work, visit, and pass
10 through the Proposed Safety Zones.
11

12 54. Defendants, individually, collectively, and in concert, have staked out
13 geographical areas and claimed "turf" in the Proposed Safety Zones as Eastside or Westside
14 gang territory, respectively. Within the Proposed Safety Zones, Defendants have caused and do
15 cause a public nuisance by their actions. Defendants, by virtue of their criminal and nuisance
16 activities, threaten the freedom and safety of the people who live, work, visit, and pass through
17 the Proposed Safety Zones. Defendants' domination has resulted in neighborhoods that are
18 plagued by assaults, robberies, and violence.
19

20 55. Defendants, individually, collectively, and in concert, possess, sell, transport,
21 and use illegal narcotics. The illegal sale of controlled substances is deemed a nuisance *per se*
22 pursuant to Civil Code section 3479. To carry out their narcotics sales, Defendants,
23 individually, collectively, and in concert, loiter on the streets, sidewalks, parking lots, and
24 approach potential narcotics buyers. Many of the Defendants have been arrested in the
25 Proposed Safety Zones for violating Health and Safety Code sections 11350 and 11377
26 (possession of a controlled substance), and Health and Safety Code sections 11351 and 11378
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1 (possession for sale).

2 56. Defendants, individually, collectively and in concert, claim areas in the
3 Proposed Safety Zones as Eastside or Westside “turf” respectively by, among other things,
4 fighting, defacing property throughout the Proposed Safety Zones with gang graffiti, and
5 intimidating the community in the Proposed Safety Zones. Defendants enforce the control of
6 their “turf” with intimidation (both physical and verbal), the use of violence, weapons, and
7 threats.
8

9 57. Throughout the Proposed Safety Zones, Defendants, individually, collectively,
10 and in concert, loiter in large numbers, drink alcohol, use drugs, threaten, assault, and rob
11 residents and passersby on the streets, at apartment complexes, and on private property that is
12 open to public view. Defendants hang out and loiter on sidewalks, on streets, in parking lots, in
13 public parks, and in residents’ yards in the Proposed Safety Zones, thus obstructing the free use
14 of property by visitors and residents of the Proposed Safety Zones.
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16 58. Defendants, individually, collectively, and in concert, have brought and continue
17 to bring violence into the Proposed Safety Zones, creating a threatening atmosphere in which
18 community members must live and work. Eastside and Westside gang members arm
19 themselves with guns, knives, and other dangerous or illegal weapons. By engaging in
20 violence in the Proposed Safety Zones, Eastside and Westside gang members demonstrate a
21 blatant disregard for the lives and safety of innocent bystander victims. The actions of Eastside
22 and Westside gang members endanger the lives, and shatter the sense of peace and security of
23 the people who live and work in the Proposed Safety Zones.
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25 59. Defendants, individually, collectively, and in concert with members from their
26 own gang, terrorize and intimidate the community in the Proposed Safety Zones. They do so
27 by gathering in groups, wearing gang attire, displaying gang signs and tattoos, and shouting
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1 their gang affiliations to instill fear in those who live and work in the Proposed Safety Zones.
2 Community members justifiably believe they are at risk of physical harm if they report criminal
3 or nuisance behavior committed by Defendants. To ensure that their criminal and nuisance
4 activities continue unabated, Defendants threaten death or other retaliatory acts to silence
5 victims and witnesses to their criminal activities. Defendants rely on their ongoing intimidation
6 of victims, witnesses and other members of the community to avoid responsibility for their
7 activities. Cases with civilian witnesses often are pled to lesser charges because witnesses are
8 reluctant or refuse testify against gang members out of fear. Intimidation is a means for
9 Defendant gang members to avoid prosecution for their conduct. This intimidation causes a
10 nuisance by creating an atmosphere of fear that is injurious to the community's health, indecent
11 and offensive to the senses and deprives the community of their comfortable enjoyment of life
12 and property.

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15 60. Defendant gang members, individually, collectively, and in concert, annoy,
16 harass and confront individuals who live, work, and pass through the Proposed Safety Zones,
17 causing victims to fear for their safety and the safety of their families and friends. Residents,
18 workers, and individuals passing through the Proposed Safety Zones are challenged with the
19 classic gang question, "Where you from?" Such a question is frequently a precursor to an
20 assault or other form of harassment. The conduct of Eastside and Westside gang members is, at
21 best, indecent and offensive to the senses and a deprivation of the comfortable enjoyment of
22 life and property, and, all too often, injurious or fatal to the health of the victims challenged.

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24 61. Defendants Eastside, individually, collectively, and in concert, claim Sunflower
25 Neighborhood Park, Eastside Neighborhood Park, Ortega Community Park, and Franceschi
26 Park. Defendants Westside, individually, collectively, and in concert, claim Bohnett
27 Neighborhood Park, Parque De Los Ninos Neighborhood Park, Oak Community Park,
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1 Escondido Neighborhood Park, and Hilda Rey Neighborhood Park as their "turf" and create a
2 threatening atmosphere for law abiding persons who wish to partake in the peaceful and quiet
3 enjoyment of those parks. Eastside and Westside defendant gang members use these parks in
4 particular to hold gang meetings, engage in gang fights, paint gang graffiti, intimidate, assault
5 and threaten people. Defendants often gather at the parks to discuss matters affecting the
6 gangs. Eastside and Westside gang members loiter in these parks, flash their gang signs, and
7 paint Eastside and Westside gang graffiti on park property in order to let the community and
8 rival gang members know that a particular park is theirs. Eastside and Westside gang members
9 also monitor the parks for rival gang members and act with violence when they find a rival.
10 Defendant gang members are always ready to assault anyone who is trespassing on their "turf."
11 The result of Defendants' presence in the parks creates an atmosphere of fear and intimidation
12 that is injurious to the health and safety of the law abiding citizens who go to the parks. Law
13 abiding citizens who use these parks have to witness this violence and are placed in harms way.

16 62. Due to Defendants' criminal and nuisance activities, law-abiding people are
17 forced to stay indoors to avoid being confronted, harassed, shot at, attacked, or robbed.
18 Community members are forced to alter their lives to avoid becoming victims of, or witnesses
19 to, Defendants' criminal and nuisance activities. Consequently, the behavior of defendant gang
20 member is injurious to health, indecent and offensive to the senses, and interferes with the free
21 use and comfortable enjoyment of life and property by the people in the Proposed Safety
22 Zones.

24 63. Defendants, individually, collectively, and in concert, treat the property of others
25 as their own. Eastside and Westside gang members conduct nuisance and illegal activities on
26 private and public properties in the Proposed Safety Zones. They congregate in and around
27 apartments, homes, and parking lots, to sell or use narcotics, drink alcohol, play loud music or
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1 apply graffiti. When fleeing from law enforcement, Eastside and Westside gang members enter
2 or attempt to enter the homes or yards of community members in an effort to avoid detection or
3 hide evidence. By their actions, Defendants interfere with and impair the private and
4 possessory rights of the owners and tenants in the Proposed Safety Zones. The behavior of
5 Eastside and Westside gang members obstructs the free use of property by the lawful owners
6 and tenants and their actions negatively impact the property value of real property within the
7 Proposed Safety Zones and make it difficult to sell or rent real property within each zone for its
8 fair market value.
9

10 64. Defendants, individually, collectively, and in concert, proclaim their ownership
11 of the Proposed Safety Zones by applying gang graffiti on public and private property in the
12 Proposed Safety Zones. To enhance their notoriety, they vandalize the exterior and interior
13 walls of buildings, residences, fences, trees, and other public and private property with
14 "Eastside," "Westside," or other gang-specific graffiti. Defendants' graffiti intimidates and
15 dissuades people from speaking out against the gangs. Defendants' graffiti is a visual blight,
16 and private owners and public agencies are forced to expend time, labor, and money in an
17 attempt to eradicate it. Defendants' graffiti is indecent, offensive to the senses, and interferes
18 with the comfortable enjoyment of the property by those who live and work in the Proposed
19 Safety Zones.
20

21 65. The People have no plain, speedy or adequate remedy at law and will continue
22 to suffer irreparable damage, injury, and harm unless equitable relief is granted. Criminal
23 prosecution has not stopped Defendants' criminal and nuisance activities. There are many
24 victims and witnesses to nuisance and criminal activities committed by Eastside and Westside
25 gang members feel Defendants' constant, pervasive and menacing presence in their
26 communities, and thus refuse to cooperate with law enforcement. Defendants threaten basic
27
28

1 public order with their oppressive and widespread witness intimidation. Even successful
2 criminal prosecution has not deterred Defendants from pursuing their criminal and nuisance
3 activities. Gang members released after serving sentences for their crimes, return to their
4 gang's "turf" and resume their illegal activities. Traditional law enforcement methods have not
5 eliminated the immediate and continual risk to the lives and property of the people who live,
6 work, visit, and pass through the Proposed Safety Zones.

8 66. Defendants' criminal and nuisance activities, individually, collectively, and in
9 concert, interfere with the rights of the community in the Proposed Safety Zones and, as a
10 result, constitute a public nuisance. Unless restrained by this Court, Defendants, both
11 individually and collectively, will continue to injure, rob, attack, harass, threaten, and degrade
12 the lives of the individuals who live, work, visit, and pass through the Proposed Safety Zones.
13 Unless restrained by this Court, Defendants both individually and collectively, will continue to
14 arm themselves and engage in violent activities in the Proposed Safety Zones. Unless
15 restrained by this Court, Defendants both individually and collectively, will continue to
16 intimidate community members from reporting and prosecuting criminal and nuisance activities
17 committed by Eastside and Westside gang members. Unless restrained by this Court,
18 Defendants both individually and collectively, will continue to drink in public, trespass, use and
19 sell drugs in public. Unless restrained by this Court, Defendants both individually and
20 collectively, will continue to loiter on the streets and sidewalks, blocking pedestrian and
21 vehicular traffic. Unless restrained by this Court, Defendants both individually and
22 collectively, will continue to use and sell drugs in the Proposed Safety Zones. Unless
23 restrained by this Court, Defendants both individually and collectively, will continue to apply
24 gang graffiti to property in the Proposed Safety Zones.

1
2 67. Unless restrained by this Court, Defendants both individually and collectively,
3 will continue to cause great and irreparable damage, injury and harm to the individuals who
4 live, work, visit and pass through the Proposed Safety Zones. Unless restrained by this Court,
5 Defendants both individually and collectively, will continue to maintain the public nuisance in
6 the Proposed Safety Zones, by participating in and promoting the above-described activities.
7 Each activity has been, and will continue to be, without the consent, against the will, and in
8 violation of the rights of the community in the Proposed Safety Zones. The peace, safety, and
9 comfortable enjoyment of the life and property by community members in the Proposed Safety
10 Zones are being, and will continue to be, disturbed and threatened, unless equitable relief in the
11 form of an injunction as prayed for against Defendants Eastside and Westside is granted.
12
13

14
15 **PRAYER FOR RELIEF**

16 WHEREFORE, the People pray that judgment be entered in favor of the People and
17 against Defendants Eastside, Westside, and 1. Francisco Anaya aka "Kartoon," 2. Michael
18 Cardenas aka "Psycho Mike," 3. Bryan Carreno aka "Sneak E," 4. Edgar Cordova aka
19 "Playboy," 5. Augustine Cruz aka "Muneco" and "Felon," 6. Pedro Garcia aka "Oso," 7.
20 Raymond Macias aka "Boxer," 8. Ruben Mize aka "Chico" and "Gangster Loko," 9. Patricia
21 Moreno aka "Muneca," 10. Miguel Parra aka "Tripps," 11. Omar Ramos aka "Sleepy," 12.
22 Ivan Romero aka "Lil Nightmare," and 13. Humberto Trujillo aka "Smurf," Defendants
23 Westside, 14. Jonathan Alonzo aka "Lonely One," 15. Cesar Baradas aka "Crazy Boy," 16.
24 Christian Botello aka "Tweety," 17. Enrique Cortez aka "Risky" or "Shadow," 18. Daniel
25 Flores aka "Whispers," 19. Ruben Flores aka "Lil Woody," 20. Marical Garcia aka "Topo,"
26 21. Miguel Garcia aka "Stimpy," 22. Denise Lazaro Gonzalez aka "Sleepy Loca,"
27
28

1 23. Stacy Ibarra aka "Grumpy," 24. Edwin Miguel aka "Dopes," 25. Miguel Molina aka "Mr.
2 Sparky," 26. Emmanuel Padron "Moreno," 27. Marcos Ramos aka "Sneaky," 28. Michael
3 Rodriguez aka "Yogi," 29. Roy Sarabia aka "Smokey," and 30. Raul Torres aka "Mini," as
4 follows:

5
6 1. For a judicial determination that Defendant Eastside is an unincorporated
7 association within the meaning of Code of Civil Procedure section 369.5 and Corporations
8 Code section 18035;

9
10 2. For a judicial determination that Defendant Westside is an unincorporated
11 association within the meaning of Code of Civil Procedure section 369.5 and Corporations
12 Code section 18035;

13
14 3. For a judicial determination that Defendant Eastside is a criminal street gang
15 within the meaning of Penal Code section 186.22, subdivision (f), and a "gang" as defined in
16 *People v. Englebrech* (2001) 88 Cal. App. 4th 1236;

17
18 4. For a judicial determination that Defendant Westside is a criminal street gang
19 within the meaning of Penal Code section 186.22, subdivision (f), and a "gang" as defined in
20 *People v. Englebrech* (2001) 88 Cal. App. 4th 1236;

21
22 5. For a judicial determination that a public nuisance within the meaning of Civil
23 Code sections 3479 and 3480 exists in the City of Santa Barbara Safety Zones (the "Proposed
24 Safety Zones A, B, Special Event, and Designated Parks" depicted in and attached as Exhibit
25 A), located in the City of Santa Barbara;

26
27 6. For a judicial determination that Defendant Eastside, its members, including, but
28 not limited to, the individual defendants listed as "Designated Eastside Gang Members" are
responsible for creating and maintaining the public nuisance in the Proposed Safety Zones;

1 7. For a judicial determination that Defendant Westside, its members, including,
2 but not limited to, the individual defendants listed as “Designated Westside Gang Members”
3 are responsible for creating and maintaining the public nuisance in the Proposed Safety Zones;

4 8. For injunctive relief enjoining and restraining Defendants Eastside, the
5 Designated Eastside Gang Members, Defendants Westside, the Designated Westside Gang
6 Members, and Does 1 through 300 from engaging in or performing, directly or indirectly, any
7 of the following activities in the Proposed Safety Zones A, B, Special Event, and Designated
8 Parks:
9

10 a. **Do Not Associate:** Standing, sitting, walking, driving, bicycling,
11 gathering, or appearing anywhere in public view, in a public place, or in any place accessible to
12 the public, with any other known member of the Eastside or Westside gangs, including, but not
13 limited to, all individuals listed as “Designated Eastside Gang Members” or “Designated
14 Westside Gang Members” in the Proposed Safety Zones. This prohibition shall not apply in
15 either of the following situations: (1) when an enjoined person is inside the premises of a
16 licensed school attending class or conducting school business, or (2) when an enjoined person
17 is inside the premises of a church or religious institution for purposes of worship. This
18 prohibition against associating shall apply to all methods of travel to and from any of the
19 aforementioned permissible locations;
20

21 b. **No Intimidation:** Confronting, intimidating, annoying, harassing,
22 threatening, challenging, provoking, assaulting, or battering any person who lives, works, visits
23 or passes through the Proposed Safety Zones or any person known to be a witness to, or victim
24 of, any Eastside or Westside gang activity or any person known to have complained about any
25 Eastside or Westside gang activity;
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c. No Firearms, Imitation Firearms, Ammunition, Dangerous or Illegal

Weapons: (1) Possessing any firearm, imitation firearm, ammunition, dangerous weapon (defined as any fixed or folding knife with a blade two inches or longer), or illegal weapon as defined in Penal Code section 12020, whether or not concealed, while in public view, in a public place or in any place accessible to the public, or (2) knowingly remaining in the presence of anyone who is in possession of such firearm, imitation firearm, ammunition, dangerous weapon or illegal weapon while in public view, in a public place or in any place accessible to the public, or (3) knowingly remaining in the presence of such firearm, imitation firearm, ammunition, dangerous weapon or illegal weapon while in public view, in a public place or in any place accessible to the public, in the Proposed Safety Zones;

d. To Stay Away From Drugs: (1) Selling, transporting, possessing, or

using, without a prescription, any controlled substance or marijuana, or such drug-related paraphernalia, including, but not limited to, rolling papers and pipes used for illegal drug use, or (2) knowingly remaining in the presence of anyone selling, transporting, possessing, or using, without a prescription, any controlled substance or marijuana, or such drug-related paraphernalia, or (3) knowingly remaining in the presence of any controlled substance or marijuana, or such drug-related paraphernalia, in the Proposed Safety Zones;

e. To Stay Away From Alcohol: (1) Drinking or possessing an open

container of an alcoholic beverage in public view, in a public place, or in any place accessible to the public, or (2) knowingly remaining in the presence of anyone possessing an open container of an alcoholic beverage in public view, in a public place or in any place accessible to the public, or (3) knowingly remaining in the presence of an open container of an alcoholic beverage in public view, in a public place or in any place accessible to the public, in the Proposed Safety Zones;

1 f. **No Lookouts:** Acting as a lookout by whistling, yelling, or otherwise
2 signaling, by any means, including, but not limited to hand signals, walkie-talkies, or cellular
3 telephones, to warn another person engaged in unlawful or nuisance activity of the approach of
4 law enforcement officers, or soliciting, encouraging, coercing, or employing another person to
5 act as such lookout in the Proposed Safety Zones;
6

7 g. **No Obstructing Traffic:** Obstructing, impeding, or blocking the free
8 passage of any person or vehicle on any street, walkway, sidewalk, driveway, alley, parking lot,
9 or any other area accessible to the public in the Proposed Safety Zones;

10 h. **No Graffiti or Vandalism Tools:** Damaging, defacing, marking,
11 painting or otherwise applying graffiti to any public or private property, or possessing any
12 aerosol paint container, felt tip marker, or other item which can be used to paint, spray paint,
13 etch, mark, draw or otherwise apply graffiti in the Proposed Safety Zones;
14

15 i. **No Trespassing:** Being present in or on the property of another person
16 that is not open to the general public, except (1) with the prior written consent of the owner,
17 owner's agent or person in lawful possession of the property, or (2) in the presence of and with
18 the voluntary consent of the owner, owner's agent or person in lawful possession of the
19 property in the Proposed Safety Zones;

20 j. **To Stay Away From Specific School Grounds:** Being present in or on
21 the grounds of Santa Barbara High School (including Peabody Stadium), Santa Barbara Junior
22 High School, Franklin Elementary School, Cleveland Elementary School, Harding Elementary
23 School, McKinley Elementary School, or the sidewalks, pathways, entrances, or drive-ways
24 which adjoin and border these schools. For purposes of this provision, these schools include
25 the adjacent gymnasiums, recreation centers, buildings, structures, playgrounds, handball
26 courts, basketball courts, and parking lots;
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28

1 k. **To Stay Away From Specific Locations/Parks:** Being present in or on
2 the grounds of Boys and Girls Club of Santa Barbara (East Canon Perdido Street location),
3 Boys and Girls Club of Santa Barbara (West Anapamu Street location), Franklin Center,
4 Municipal Tennis Court, Pennywise Market (1121 East Montecito Street), Sunflower
5 Neighborhood Park, Eastside Neighborhood Park, Ortega Community Park, Franceschi Park,
6 Bohnett Neighborhood Park, Parque De Los Ninos Neighborhood Park, and the adjacent
7 sidewalks, pathways, entrances, drive-ways, all recreation centers, buildings, structures,
8 playgrounds, or parking lots which adjoin and border these locations;
9

10 l. **No Extortion Including Collection of "Rents" or "Taxes":** Extorting,
11 or obtaining under duress or by threat "rents" or "taxes" in the Proposed Safety Zones;
12

13 m. **No Contact With Minors Who Are Going To And From School:**
14 Contacting, talking to, speaking to or at, touching, or communicating in any way with minors
15 going to and from school in the Proposed Safety Zones;

16 n. **No Use Of Gang Gestures In Public:** Using words, phrases, physical
17 gestures, or symbols commonly known as gang hand signs, or engaging in other forms of
18 communication which describe or refer to Eastside or Westside gangs in the Proposed Safety
19 Zones;

20 o. **No Wearing Of Gang Attire In Public:** Wearing clothing which bears
21 the name, symbol, letters, or numbers of the Eastside or Westside gangs, including but not
22 limited to "Eastside," "East Side," "Evil Side," "93103," "East Bruta," "ES," "Westside,"
23 "West Side," "Wicked Side," "West Bruta," "WS," "13," "XIII," "X3," "Sureno," "Sur," blue
24 bandanas, Emmitt Smith Dallas Cowboys jerseys, Texas Rangers baseball team hats, St. Louis
25 Cardinals baseball team jerseys and baseball team hats, Pittsburg Pirates baseball team hats,
26 Duke University team hats, Chicago White Sox baseball team hats, or any other clothing that
27
28

1 represents the Eastside or Westside gangs, or any subset or clique of those gangs in the
2 Proposed Safety Zones;

3 p. **To Obey All Laws:** Failing to obey all laws, including (1) those that
4 prohibit violence or threatened violence, including, but not limited to murder, intimidation,
5 robbery by force or fear, assault or battery, (2) those that prohibit interference with the property
6 rights of others, including, but not limited to trespass, theft, vandalism, or the driving or taking
7 of a vehicle without the owner's consent, (3) those that prohibit the commission of acts that
8 create a nuisance, including, but not limited to, the illegal sale of controlled substances,
9 blocking the sidewalk and street, (4) violations of the Santa Barbara Municipal Code, and (5)
10 any lawful orders of the Court;

11
12 9. For an **Opt-Out Provision and Process**, by any of the Defendants (hereinafter
13 "Served Person") may move this Court under this Opt-Out Provision for an order to be
14 dismissed from this action as an individual gang member Plaintiff agrees not to object to
15 Served Person's motion to dismiss him or her from this Order, so long as such dismissal is to
16 be without prejudice, and shall not operate as a retraxit in any other action, with each side
17 bearing its own costs and fees, and Served Person's motion satisfies each of the following
18 requirements:

19
20 a. **Proper Notice:** A motion under this Opt-Out Provision shall be made
21 on proper notice, properly served on Plaintiff's counsel, and shall not be made on shortened
22 time;

23
24 b. **No Longer a Gang Member:** Served Person must truthfully declare,
25 under penalty of perjury, that he or she is a reformed, former member of the Eastside or
26 Westside gangs, and he or she has renounced the gang life. Such declaration under penalty of
27 perjury is an essential part of this provision;

28

1 c. **Opt-Out of Proof Required:** Served Person must truthfully declare,
2 under penalty of perjury that, for the continuous period of three (3) years preceding the date of
3 Served Person's motion, with the starting date being no earlier than the date of a permanent
4 judgment, and excluding any time spent incarcerated, any time on supervised release (parole or
5 probation), or any time spent outside the country after having been deported, all of the
6 following are and have been true:
7

8 i. Served Person has not claimed membership in any gang;

9 ii. Served Person has not been documented by law enforcement
10 associating with any known, active members of the Eastside or Westside
11 gangs, other than immediate family members;

12 iii. Served Person has not been arrested for any felony or
13 misdemeanor crime;

14 iv. Served Person has not obtained any new gang-related tattoos; and

15 v. Served Person has been consistently and gainfully employed for a
16 period of one year prior to the date of Served Person's motion;

17 d. **No Effect in Other Proceedings:** Plaintiff shall not be bound by the
18 criteria of this Opt-Out Provision in any action, civil or criminal, other than a motion brought
19 under this Provision in this action;
20

21 e. **Judgment Not Admissible:** This Opt-Out Provision and any orders from
22 it shall not be admissible in any civil or criminal action, and cannot be used for or against
23 Served Person for any purpose whatsoever, other than in a civil or criminal contempt
24 proceeding brought for a violation of this Order; and
25

26 f. **Dismissed Served Person Committing New Violation:** If subsequent
27 to successfully obtaining an order of dismissal under this Opt-Out provision, Served Person
28

1 violates any of subsections (i) through (iv) of 9(c) above (by claiming membership in a gang,
2 associating with known gang members other than immediate family, being arrested for any
3 felony or misdemeanor crime, or obtaining any gang-related tattoos), then Served Person may
4 be re-served with any orders, and will be required to comply with of the terms and conditions
5 of orders; and
6

7 11. For costs of suit; and

8 12. For such other and further relief as the Court deems just and proper.
9

10 DATED: March 14, 2011


STEPHEN P. WILEY, City Attorney

11
12 By: 

13 Michelle Montez
14 Assistant City Attorney
15 City of Santa Barbara

16 DATED: March 14, 2011

JOYCE DUDLEY, District Attorney

17
18 By: 

19 Hilary Dozer
20 Chief Deputy District Attorney
21 Santa Barbara District Attorney
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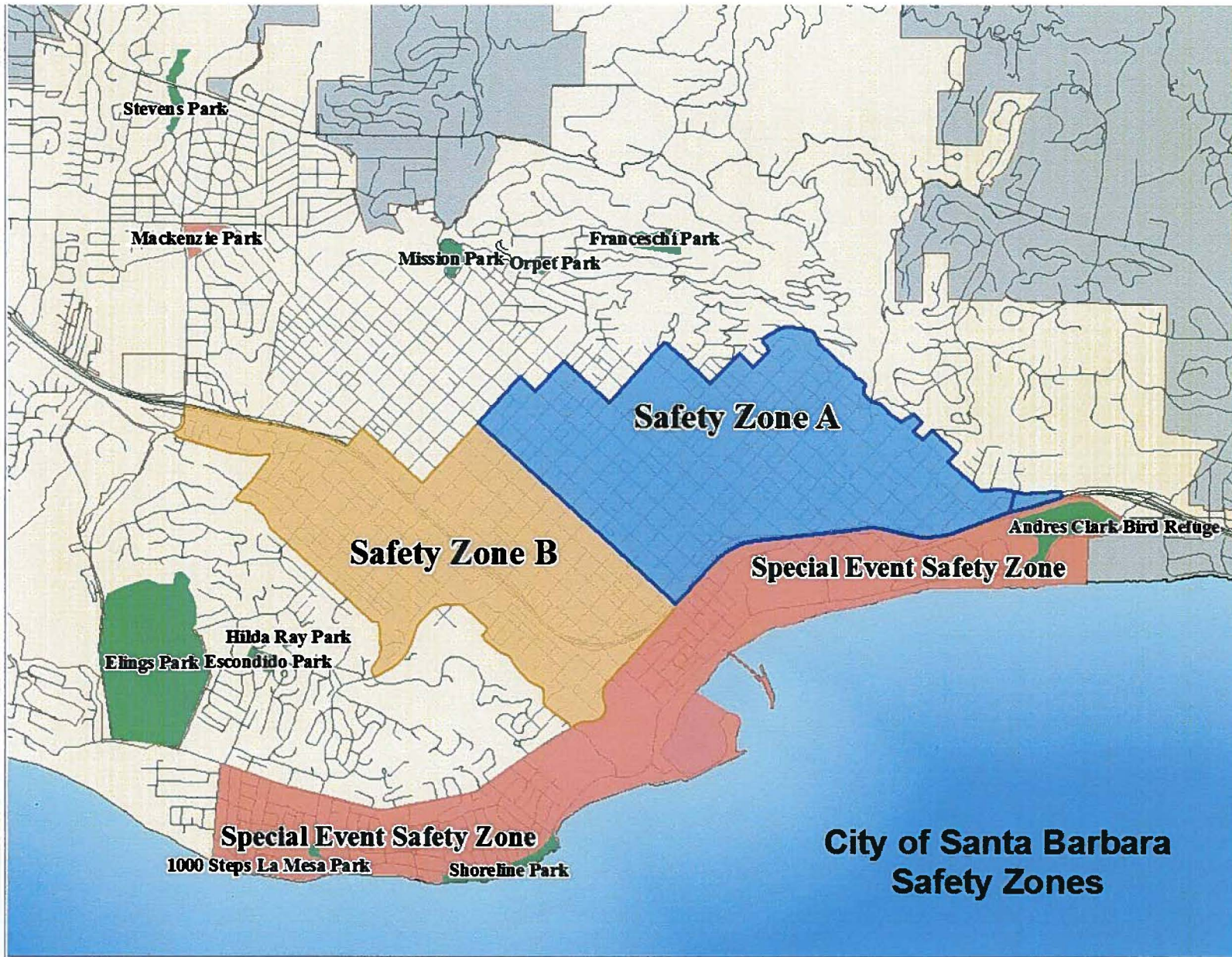
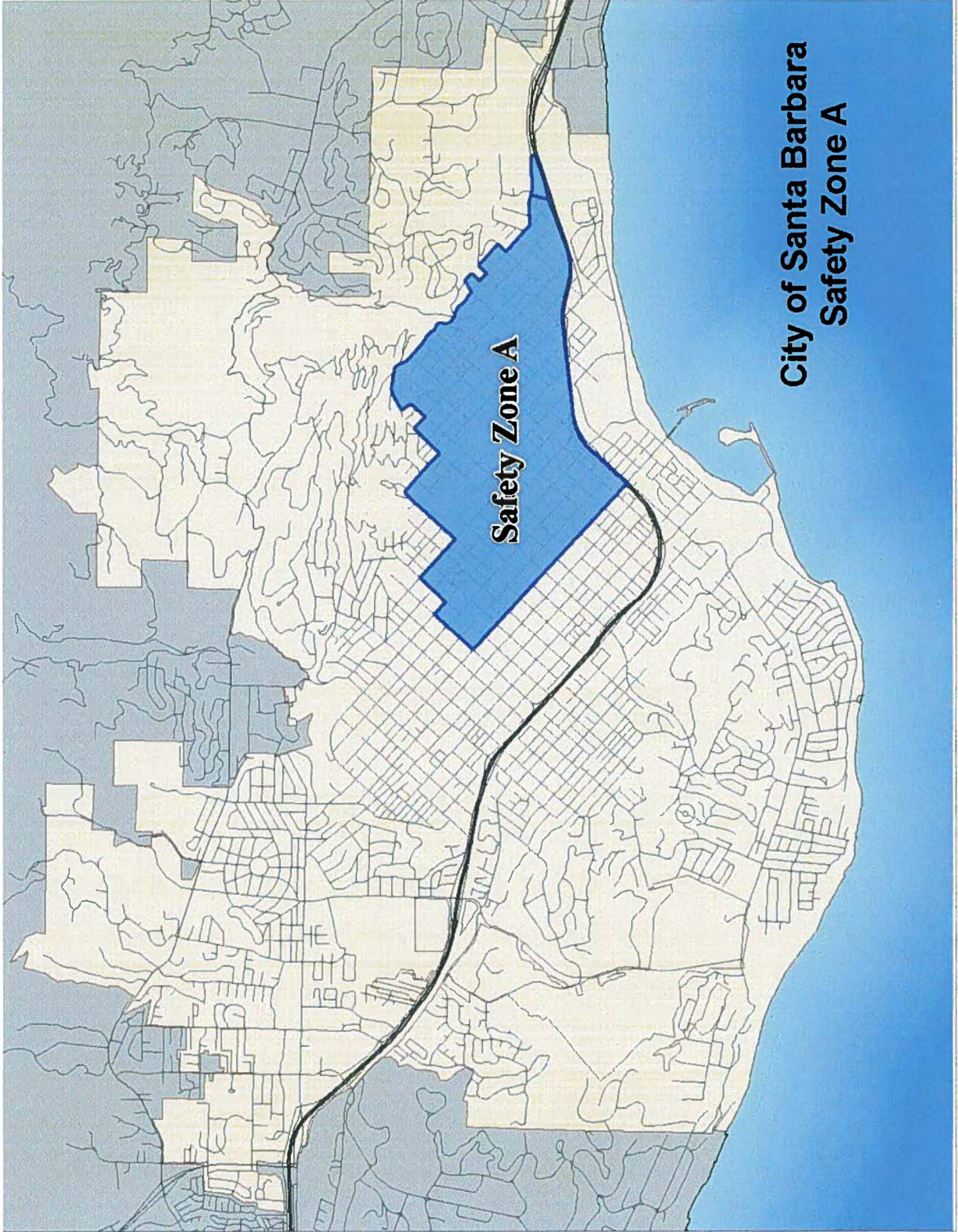
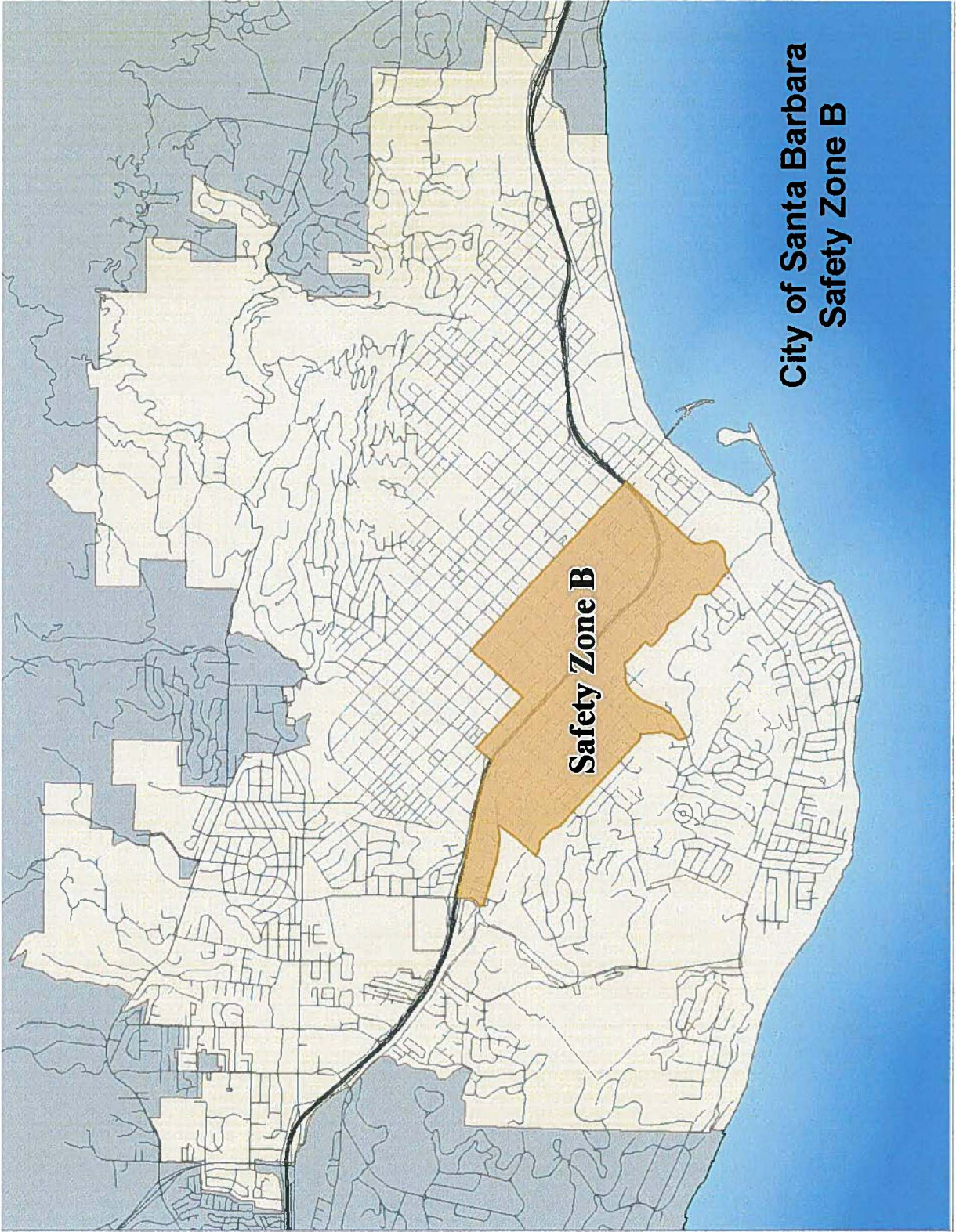


EXHIBIT A

**City of Santa Barbara
Safety Zones**

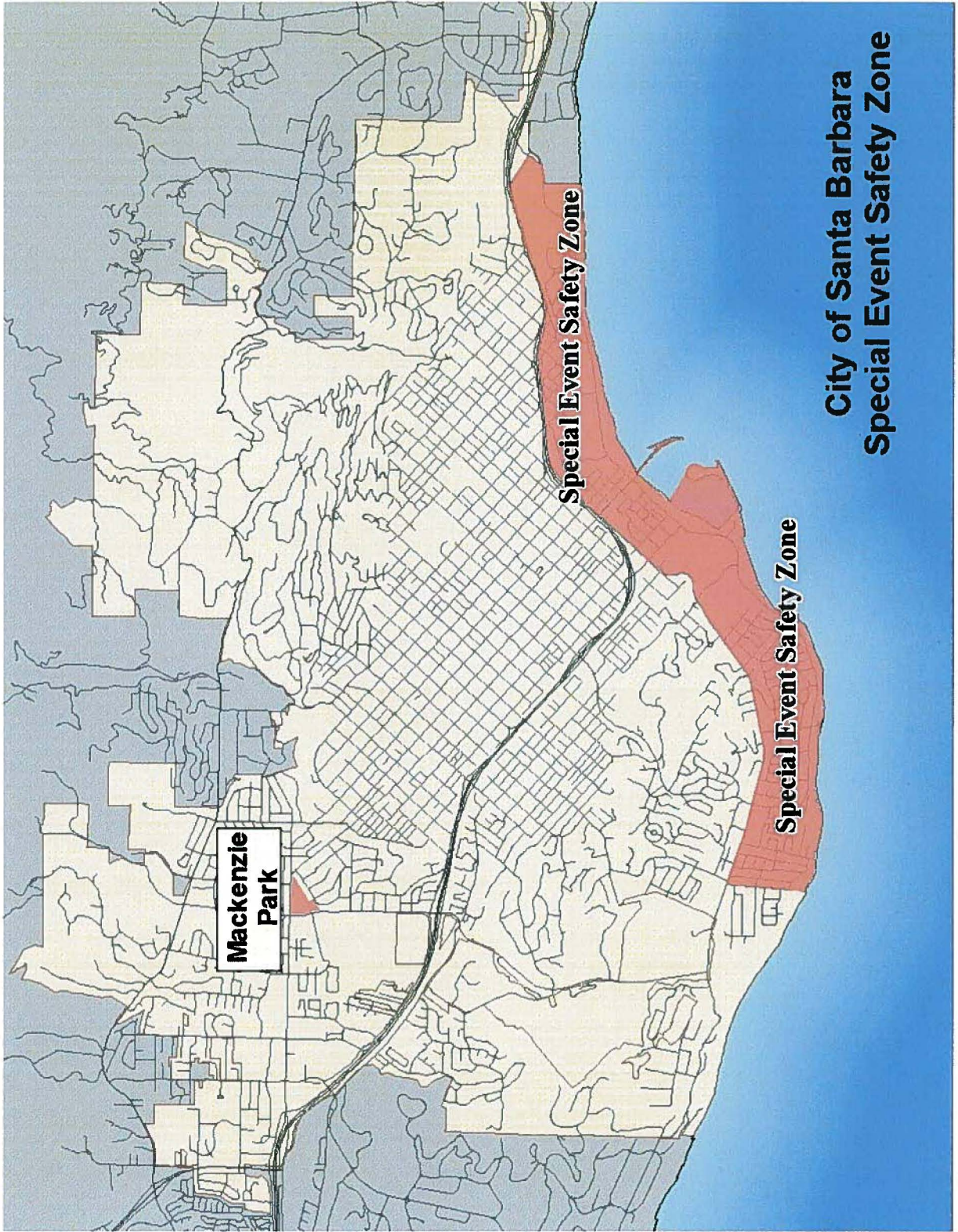


**City of Santa Barbara
Safety Zone A**



**City of Santa Barbara
Safety Zone B**

Safety Zone B



**City of Santa Barbara
Special Event Safety Zone**



EXHIBIT A