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FILED
 SUPERIOR COURT OF CALIFORNIA
 COUNTY OF ORANGE
 CENTRAL JUSTICE CENTER

FEB 14 2011

ALAN CARLSON, Clerk of the Court
M. Curry
 BY: M. CURRY

Attorneys for Plaintiff
 THE PEOPLE OF THE STATE OF CALIFORNIA

8 SUPERIOR COURT OF CALIFORNIA
 9 FOR THE COUNTY OF ORANGE, CENTRAL JUSTICE CENTER

11 THE PEOPLE OF THE STATE OF CALIFORNIA,

12 Plaintiff,

13 v.

14 FULLERTON TOKERS TOWN CRIMINAL
 15 STREET GANG (an unincorporated association)

16 Defendant.

Case No.

30-2011

00649392
 COMPLAINT FOR
 PRELIMINARY
 AND PERMANENT
 INJUNCTION TO ABATE A
 PUBLIC NUISANCE FILED
 UNDER SEAL PURSUANT TO
 CCP § 482.050(a)

JUDGE KAZUHARU MAKINO

18
 19 Plaintiff, The People of the State of California, by and through their attorney of
 20 record, Tony Rackauckas, District Attorney, allege against Defendant, Fullerton Tokers
 21 Town Criminal Street Gang (an unincorporated association), as follows:

22 **THE PARTIES**

23 1. The Plaintiff, The People of the State of California, represented by Tony
 24 Rackauckas, District Attorney for the County of Orange, bring this action pursuant to and
 25 by the authority of section 731 of the Code of Civil Procedure.

26 2. Plaintiff is informed and believes, and on that basis alleges, that at all times
 27 herein mentioned Fullerton Tokers Town criminal street gang (hereinafter "Fullerton
 28 Tokers Town") was and now is an unincorporated association of two or more individuals

1 commonly referred to as a criminal street gang that are joined together for social,
2 recreational, profit and other common purposes, and which acts by and through its
3 members, both individually and collectively. Fullerton Tokers Town is a "criminal street
4 gang" as defined in Penal Code § 186.22(f), (1) being an ongoing organization,
5 association, or group of three or more persons; (2) having as one of its primary activities
6 the commission of, attempted commission of, or conspiracy to commit: assault with a
7 deadly weapon or by means of force likely to produce great bodily injury, unlawful
8 homicide or manslaughter, sale and possession for sale of controlled substances,
9 discharging or permitting the discharge of a firearm from a motor vehicle, intimidation of
10 witnesses or victims, felony vandalism, possession of a pistol, revolver, or other firearm
11 capable of being concealed upon the person in violation of Penal Code section 12101,
12 subdivision (a)(1), and prohibited possession, carrying concealed and carrying loaded a
13 firearm; (3) having a common name or common identifying sign or symbol; and (4)
14 whose members individually and collectively engage in or have engaged in a pattern of
15 criminal gang activity. Fullerton Tokers Town conducts its affairs and activities within
16 the City of Fullerton, City of Anaheim, City of Buena Park, and the City of Placentia, in
17 the County of Orange, State of California. Fullerton Tokers Town is a gang whose
18 enemies include Boys from the Hood (Anaheim), Westside Anaheim (Anaheim), Jeffrey
19 Street (Anaheim), Citron Street (Anaheim), Folks (Anaheim), Westside La Habra (La
20 Habra), All West Coast – AWC (La Habra), Plas (Placentia), La Jolla (Placentia), Wicked
21 Minds (Fullerton), Baker Street (Fullerton), Eastside Buena Park (Buena Park), Coyotes
22 (Buena Park) and Under No Authority (Buena Park).

23 3. Fullerton Tokers Town is sued as an unincorporated association under Code
24 of Civil Procedure section 369.5. Fullerton Tokers Town members share a common name
25 and purpose. Fullerton Tokers Town functions under circumstances where fairness
26 requires that the group be recognized as a distinct legal entity, because members of
27 Fullerton Tokers Town invoke their gang's name "Fullerton Tokers Town" during the
28 commission of illegal sales of controlled substances, shootings, assaults, robberies, gang

1 graffiti, and other crimes and nuisance behavior, in order to intimidate citizens, witnesses
2 and victims. Equity demands Defendant not be allowed to deny that Fullerton Tokers
3 Town exists as a criminal street gang, after Defendant has received benefits from holding
4 itself out to the public as a denotable entity.

5 4. Defendant Fullerton Tokers Town is also an unincorporated association
6 consisting of two or more individuals, joined by mutual consent for allegedly common
7 lawful purposes, including social, recreational, and other purposes. Notwithstanding any
8 common lawful purposes, Defendant Fullerton Tokers Town is committing crimes and
9 creating a public nuisance.

10 5. Defendant Fullerton Tokers Town acts by and through its members, both
11 individually and collectively.

12 6. Defendant is comprised of members including, but not limited to, Alvaro
13 Arevalo (8/15/91, aka "Felon" or "Strappy"), Erik Bahena (4/27/92, aka "Trooper"), Jose
14 Calderon (8/2/92, aka "Clowner" or "Bigs"), Dominic Coolidge (9/13/86, aka "Spanky"),
15 Salvador Delatorre (11/23/86, aka "Raptor"), Jose Estrada (12/3/91, aka "Enemy"), Edgar
16 Facio (6/22/93, aka "Pescado"), Louis Galindo (11/21/85), Gustavo Guzman (8/7/89, aka
17 "Wolfie"), Bernabe Hernandez (8/23/92, aka "Lil Reaper"), Jonathan Hernandez (1/30/92,
18 aka "Roach"), Anthony Holmes (7/30/93, "Lil Spanky"), Daniel Lorenzo (5/2/93, aka "Lil
19 Sad Boy"), Francisco Lucas (2/26/94, aka "Choco"), Frederico Magaña (6/14/94, aka
20 "Lil Woozy" or "Cheeks"), Jose Martin Martinez (8/5/92, aka "Imp" or "Viper"), Rudy
21 Martinez, Jr. (9/22/91, aka "Lil Sparky"), Oscar Mejia (6/11/92, aka "Chico"), Ignacio
22 Raya (11/25/88, aka "Nacho" or "Slick"), Antonio Rodriguez (11/2/84, aka "Homer"),
23 Conrad Serrano (4/2/74, aka "Fox"), Zachary Snellgrove (10/5/92, aka "Miclo"), Daniel
24 Soliz (4/18/87, aka "Pato"), George Talavera (2/12/92, aka "Lil Droopy" or "Lil G"),
25 David Trujillo (8/7/92, aka "Lil Spooky"), Erik Trujillo (12/24/93, aka "Tiny") and
26 Joseph Trujillo (11/17/95, aka "Lumzy").

27 Each of these "Designated Fullerton Tokers Town Criminal Street Gang Members"
28 is responsible in some manner for the public nuisance described in this complaint.

1 **FIRST CAUSE OF ACTION**

2 **PUBLIC NUISANCE**

3 7. Plaintiff repeats, re-alleges and incorporates herein by this reference each
4 and every allegation contained in Paragraph 1 through 5, herein, inclusive.

5 8. By this action, Plaintiff seeks injunctive relief within a certain Safety Zone.
6 The Safety Zone is generally defined as the area of the City of Fullerton bordered on the
7 north by Chapman Avenue, the east by Placentia Avenue, the south by the 91 Freeway
8 (SR 91), and the west by the city's western border with the City of Buena Park, and
9 including Buena Park High School within the City of Buena Park. The description is
10 based on a clockwise path of the border, beginning from the furthest northeast point of the
11 proposed Safety Zone, and returning to the same point. Unless specifically excluded, the
12 boundary description includes any sidewalks and driveways adjacent to the curb line
13 described.

14 More specifically the Safety Zone is defined as:

- 15 A. Beginning at the northeast corner of the intersection of Chapman Avenue and
16 Placentia Avenue, the north curb line, and including its adjacent sidewalk, of
17 the intersection of Chapman Avenue; (Starting Point)
- 18 B. continuing south on Placentia Avenue, following the east curb line, and
19 including the adjacent sidewalk of Placentia Avenue;
- 20 C. continuing south to the southeast corner of the intersection of Placentia Avenue
21 and Orangethorpe Avenue;
- 22 D. continuing along the south crosswalk limit line crossing Placentia Avenue, and
23 continuing on along the south curb line, and including the adjacent sidewalk,
24 along Orangethorpe Avenue, westbound from the intersection of Placentia
25 Avenue and Orangethorpe Avenue;
- 26 E. continuing westbound along the south curb line, and including its adjacent
27 sidewalk, of Orangethorpe Avenue to Lemon Street;
- 28

- 1 F. continuing southbound along the eastern curb line of Lemon Street, and
2 including the adjacent sidewalk, to the 91 Freeway (SR 91);
- 3 G. continuing to the centerline of the 91 Freeway, and turning westbound to again
4 follow the centerline of the freeway, and then turning north to meet the exit and
5 transition road of Magnolia Avenue;
- 6 H. continuing along the south curb line of the transition road, and extending
7 across Magnolia Avenue northwest to the west curb line, and including the
8 adjacent sidewalk, of Magnolia Avenue;
- 9 I. continuing northbound along the west curb line, and including the adjacent
10 sidewalk, of Magnolia Avenue to the south curb line of Academy drive,
- 11 J. continuing west along the south curb line, including the adjacent sidewalk, of
12 Academy Drive to its termination at the end of this dead end street;
- 13 K. continuing due west to the western fence line of the north/south flood control
14 channel owned and controlled by the Orange County Flood Control Authority;
- 15 L. continuing north along the western fence line and extending due north across
16 the intersection of the north/south flood control channel with the east/west
17 flood control channel in this area, and then north along the western property
18 line of this north/south flood control channel, until it intersects with Valencia
19 Drive;
- 20 M. continuing west bound along the south curb line of Valencia Avenue, and
21 including the adjacent sidewalk, to the southwest corner of the intersection of
22 Valencia Drive and Meade Avenue;
- 23 N. continuing north across Valencia Drive to the rear property lines of the
24 businesses on the east side of Roland Street, beginning at 6460 Roland Street,
25 and continuing due north to Commonwealth Avenue;
- 26 O. continuing due north across Commonwealth Avenue to the south wall of
27 Building C 4119 of the Fullerton Municipal Airport, located at 4119
28 Commonwealth Avenue, and continuing eastbound along the secured perimeter

1 of the Fullerton Municipal Airport, where access is restricted, this line is
2 delineated by an eight foot high fence in most areas, and buildings with walls
3 and locked doors in others, the Safety Zone includes all unrestricted public and
4 parking areas of the airport within the boundary;

5 P. continuing on to follow the secured property line around the Fullerton
6 Municipal Airport, first east and then north, running parallel to Pritchard Street,
7 until it reaches Artesia Boulevard;

8 Q. continuing along the south curb line and prolongation of the curb line of Artesia
9 Boulevard to the eastern curb line of Gilbert Street;

10 R. continuing south along the east curb line of Gilbert Street, and including the
11 adjacent sidewalk, to Commonwealth Avenue;

12 S. continuing east bound along the north curb line and including adjacent sidewalk
13 of Commonwealth Avenue;

14 T. continuing north along the rear property lines of the businesses on the west side
15 of the 100 to 300 blocks of North Euclid Street, beginning at the northwest
16 corner of Commonwealth Avenue and Euclid Street, to the end of the property
17 currently occupied by Stater Brothers' Market, at the southwest corner of the
18 intersection of North Euclid Street and West Chapman Avenue;

19 U. continuing north along the west curb line of North Euclid Street, and including
20 the adjacent sidewalk, and extending across the street to the north curb line of
21 Malvern Avenue;

22 V. continuing east along the north curb line, and including adjacent sidewalk, to
23 the intersection with Woods Avenue, where Malvern Avenue becomes
24 Chapman Avenue, continuing along the north curb line of now Chapman
25 Avenue, the boundary of the safety zone extends north to include the flood
26 control channel that runs parallel to Chapman Avenue from Woods Avenue to
27 Malden Avenue, and then continuing along the north curb line, including only
28 the adjacent sidewalk to Harbor Boulevard;

- 1 W. continuing north along the west curb line of Harbor Boulevard, including the
2 adjacent sidewalk to the southwest corner of the intersection with Brea
3 Boulevard, and across Harbor Boulevard to the south curb of Brea Boulevard;
4 X. continuing northeast along the south curb line of Brea Boulevard, to the
5 intersection with Lemon Street;
6 Y. continuing across Lemon Street to the eastern curb line, and continuing south to
7 the intersection with Berkley Avenue;
8 Z. continuing along the north curb line of Berkley Avenue, and including the
9 adjacent sidewalk, as that street curves in a northeast direction, and then turns
10 south, the north curb becomes the east curb as the street curves south at Hornet
11 Way, and the Safety Zone border follows this line until it reaches Chapman
12 Avenue;
13 AA. continuing east along the north curb line, and including the adjacent
14 sidewalk, until it reaches Raymond Avenue, from Raymond Avenue to Acacia
15 Avenue, the border would extend northward to the northern edge of the alley
16 which runs parallel to Chapman Avenue on its north side, and is the rear
17 property line for the adjacent properties that front along Central Avenue;
18 BB. continuing across Acacia Avenue to the east curb line, then turning south,
19 returning to the north curb of Chapman Avenue, and including the adjacent
20 sidewalk;
21 CC. continuing along the north curb of Chapman Avenue, and including the
22 adjacent sidewalk, to the northeast corner curb line of the intersection with
23 Placentia Avenue. (Back to Starting Point)

24 The estimated total area of the impacted Safety Zone is approximately 7.45 square miles.
25 This territory comprises the identified Safety Zone for the purpose of this Injunction.
26 (Exhibits A and B)

27 9. The Defendant has acted in a manner that constitutes a public nuisance *per*
28 *se* pursuant to Penal Code § 186.22a . The Defendant has also created a public nuisance

1 as defined by Civil Code §§ 3479 and 3480, and Penal Code § 186.22a. Defendant also
2 possesses, sells, and uses illegal narcotics in the Safety Zone. Defendant's members have
3 been arrested for possession, use, possession for sale, and for being under the influence of
4 controlled substances and marijuana in the Safety Zone. These activities are not only
5 illegal and dangerous, but are also indecent and offensive to the senses. Indeed, the illegal
6 sale of controlled substances is deemed a nuisance pursuant to Civil Code § 3479.
7 Defendant's nuisance activities continue unabated despite vigorous enforcement efforts.

8 10. For the last several years, continuing to the present time, Defendant has
9 occupied the Safety Zone, and has caused and continues to cause a public nuisance with
10 its actions. Defendant, by virtue of its criminal and nuisance activities, threatens the
11 freedom, health, safety, senses and right to free use and enjoyment of property of the
12 people who live, work, recreate, visit and pass through the Safety Zone. The Defendant's
13 behavior is injurious to health, indecent and offensive and obstructs the free use of
14 property, interfering with the comfortable enjoyment of life and property by the
15 community, constituting a public nuisance pursuant to Civil Code §§ 3479 and 3480.

16 11. The Defendant is a violent, criminal, traditional turf-oriented Hispanic street
17 gang. The gang has been active in the City of Fullerton since the 1940's. Over the past
18 70 years, there have been in excess of 400 documented Fullerton Tokers Town
19 participants identified. Today, there are approximately 125-150 active members on the
20 street or in-custody that maintain and continue to enforce the interests of Fullerton Tokers
21 Town through an ongoing pattern of criminal gang activity. Its membership continues to
22 grow as new young prospects are recruited. The new prospects include: new
23 neighborhood residents, school associates or friends and relatives of an existing gang
24 member or members. Fullerton Tokers Town criminal street gang members expect young
25 recruits to prove themselves by committing violent crimes, and it becomes nearly
26 impossible for a gang member to leave the gang.

27 12. Fullerton Tokers Town stakes out and claims different parts of the Safety
28 Zone as their "turf" by, among other things, shooting at other street gang members,

1 defacing property throughout the Safety Zone with gang graffiti, and intimidating the
2 community members in the Safety Zone. The area claimed by the gang is quite large, but
3 they frequently congregate in specific areas throughout the Safety Zone. Fullerton Tokers
4 Town criminal street gang members will exert their control over their turf through the use
5 of graffiti and violence. Their mere presence in the Safety Zone serves to put others on
6 notice that the area is controlled by the gang. It is not uncommon to see individual gang
7 members or groups of gang members "patrolling the neighborhood" to demonstrate their
8 dominance and control over the area. They will assault rival gang members who come
9 into the area in order to demonstrate their control over the neighborhood, and they will
10 confront unknown Hispanic males who come into the neighborhood. Fullerton Tokers
11 Town based on its claim that some portion of the Safety Zone is its "turf," collects "rent"
12 or "taxes" in the Safety Zone from many activities, including from street vendors,
13 constituting the crime of extortion.

14 13. Defendant repeatedly engages in violent and aggressive behavior which is
15 injurious to the health and mental well-being of the residents of the Safety Zone.
16 Defendant's members arm themselves with guns and other dangerous weapons and
17 engage in violent, aggressive and destructive behavior. Fullerton Tokers Town's wars
18 against rival gangs and the foreseeable retaliation by rival gangs against Defendant create
19 a dangerous environment for those who live, work, recreate, visit and pass through the
20 Safety Zone. Loaded firearms and other dangerous weapons have been found in the
21 Safety Zone. The violent acts of these gang members have endangered residents' lives
22 and shattered their sense of peace and security. The possession of weapons, along with
23 the violent behavior of Fullerton Tokers Town gang members, creates the potential for
24 innocent citizens and law enforcement to be caught in the crossfire of violence.

25 14. Defendant has brought and continuously brings violence into the Safety
26 Zone. Fullerton Tokers Town criminal street gang has rivals in the City of Anaheim, City
27 of Buena Park, City of La Habra, and City of Placentia. These rivalries result in violent
28

1 confrontations in the Safety Zone that put innocent citizens at risk of death or great bodily
2 injury.

3 15. Defendant terrorizes and intimidates the community in the Safety Zone by
4 gathering in groups, flaunting gang tattoos, and invoking the gang name to strike fear into
5 the heart of the community. This fear allows Defendant to commit its crimes unchecked.
6 After committing its crimes, Defendant again invokes its gang name as a shield behind
7 which to hide and avoid accountability for their actions. If Defendant believes that a
8 victim or witness has reported a crime, the gang again invokes the name and retaliates
9 against the person, home, car, business and other property of the witness or victim.
10 Defendant's members often threaten victims of and witnesses to their crimes, thus
11 avoiding prosecution for their criminal conduct and ensuring that the nuisance will
12 continue unabated. Because of these actions, good people in the Safety Zone rightly
13 believe they are at risk if they report crime. Law enforcement is not able to function as it
14 should when victims and witnesses are too afraid of retaliation from Defendant to speak to
15 the police and prosecutors. Fullerton Tokers Town's intimidation causes a nuisance by
16 depriving the community of their comfortable enjoyment of life and property, and creates
17 an atmosphere injurious to the community's health, and indecent and offensive to the
18 senses.

19 16. Throughout the Safety Zone, Defendant's members loiter in groups of two
20 or more, selling and using drugs, drinking, urinating, littering, threatening, assaulting, and
21 robbing residents and passersby in streets and sidewalks, open to public view and in front
22 of children, at apartment complexes and on private property which they have forcefully
23 usurped from lawful residents. Defendant's members hang out on the sidewalks, the
24 streets, and residents' yards in the Safety Zone, thereby obstructing the free use of
25 property by the visitors to and residents of the Safety Zone. Some law abiding people
26 believe they should stay indoors at night to avoid being harassed by gang members and to
27 avoid becoming a victim of, or a witness to, Defendant's criminal and nuisance activities.
28 Some feel the need to travel out of their way as they conduct their daily business in order

1 to avoid confrontations with the Defendant. The association together of Defendant's
2 members and subsequent victimization of the residents by Defendant is injurious to the
3 health, offensive to the senses, and interferes with the comfortable enjoyment of life and
4 property in the Safety Zone.

5 17. Defendant seeks to proclaim its ownership of the Safety Zone, to bolster the
6 notoriety of Fullerton Tokers Town, and to physically degrade the Safety Zone by the
7 repeated application of gang graffiti on the interior and exterior walls of buildings, trees,
8 fences and other property in the Safety Zone. The writings and etchings are meant to
9 dissuade residents from complaining to the police department and to show the criminal
10 street gang's power. Graffiti constantly appears on the walls of homes and buildings
11 creating a nuisance in the area. Fullerton Tokers Town criminal street gang commits its
12 graffiti vandalism by using spray paint cans and felt tip markers, as well as other
13 techniques and devices. The property rights of the owners and their tenants are
14 substantially impaired and interfered with because they are forced to repeatedly expend
15 time, labor and money in a vain attempt to eradicate Defendant's gang graffiti. Moreover,
16 it is injurious to the health of the residents, and their comfortable enjoyment of life and
17 property are harmed, when Fullerton Tokers Town gang graffiti attracts foreseeable and
18 violent retaliation from rival street gangs.

19 18. Defendant uses the sidewalks, private walkways and residents' yards to
20 congregate, drink alcohol, use drugs and harass pedestrians. As Defendant continues to
21 drink and use drugs, Defendant becomes disorderly and dangerous. Fortified by alcohol
22 and drugs and the support of their fellow gang members, Defendant targets and harasses
23 innocent members of the community in the Safety Zone. This behavior constitutes a
24 nuisance in that it is indecent and offensive to the senses, and interferes with the
25 comfortable enjoyment of life and property in the Safety Zone.

26 19. Defendant believes and acts as if it owns the Safety Zone, treating the
27 homes and yards of the residents and the non-public areas of local businesses as if they
28 were the personal property of Fullerton Tokers Town. Residents have their yards used,

1 and local businesses have their non-public areas used as escape routes when gang
2 members flee from pursuing law enforcement officers. When being sought by law
3 enforcement, Defendant's members burst into residents' homes to demand shelter.
4 Residents and local businesses have their private possessory rights in their property
5 substantially impaired and interfered with by Defendant. Defendant's behavior obstructs
6 the free use of property by the owners and their tenants in the Safety Zone. The
7 association of the Defendant and its subsequent victimization of the residents are injurious
8 to the health, offensive to the senses and interfere with the comfortable enjoyment of life
9 and property in the Safety Zone.

10 20. Defendant commits much of their criminal, nuisance and gang activity
11 under the cover of darkness. Nuisance activity including illegal drug use, drug sales,
12 loitering, disturbing the peace, robberies, assaults, and shootings are more likely to occur
13 in the late evening and early morning hours.

14 21. As a result of Defendant's behavior, residents in the Safety Zone have
15 suffered great emotional distress in the form of fear, intimidation, anxiety and invasion of
16 privacy. Unless and until the activity is restrained, it will continue to cause great
17 irreparable injury to the residents' safety, peace, and tranquility within the Safety Zone.

18 22. Unless restrained by this Court, Defendant will continue to maintain the
19 nuisance by participating in and encouraging the above-described activities. Unless
20 restrained by this court, Defendant will continue to confront and intimidate the citizens of
21 the Safety Zone. Unless restrained by this Court, Defendant will continue to dissuade
22 victims and witnesses from reporting crimes and nuisance behavior to the police and from
23 testifying after reports are made, in an effort to evade responsibility for their criminal
24 conduct. The public interest in tranquility and security, and basic public order, is
25 threatened by Defendant's oppressive and widespread criminal and nuisance behavior.
26 Injunctive relief is necessary to eliminate the abuse of innocent victims who reside in the
27 Safety Zone.

28 ///

23. Plaintiff has no plain, speedy or adequate remedy at law and will continue to suffer irreparable damage, injury and harm unless equitable relief is granted. Criminal prosecution has not stopped Defendant's criminal and nuisance activities. Defendant threatens the victims and witnesses of their crimes, serving to reinforce Fullerton Tokers Town's menacing reputation, avoid prosecution for its criminal conduct, and ensure that the nuisance will continue unabated.

24. The activities and conduct of Defendant, as alleged in this Complaint, constitute an interference with the rights of the community at large in the Safety Zone, and, as a result, constitute a public nuisance. The level and frequency of violent criminal gang-related activities, as well as nuisance activities, cause an immediate, permanent and perpetual risk of severe bodily injury and/or death to residents in and around the Safety Zone, officers of the Fullerton Police Department, as well as other law enforcement agencies and the people of the surrounding communities.

25. Code of Civil Procedure § 731 authorizes District Attorneys to enjoin public nuisances in the name of the People of the State of California. In addition, under these facts, injunctive relief is appropriate under Code of Civil Procedure § 526.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that judgment be entered in favor of Plaintiff and against Defendant as follows:

1. For a judicial determination that Fullerton Tokers Town is a criminal street gang within the meaning of Penal Code section 186.22, subdivision (f) and *People v. Englebrecht, supra*, 88 Cal.App.4th 1236, 1258;

2. For a judicial determination that Fullerton Tokers Town criminal street gang is an unincorporated association within the meaning of Code of Civil Procedure section 369.5 and Corporations Code section 18035;

3. For a judicial determination that a public nuisance within the meaning of Civil Code sections 3479 and 3480 exists in the Safety Zone located in the City of Fullerton as defined as:

1 The Safety Zone is generally defined as the area of the City of Fullerton bordered on the
2 north by Chapman Avenue, the east by Placentia Avenue, the south by the 91 Freeway
3 (SR 91), and the west by the city's western border with the City of Buena Park, and
4 including Buena Park High School within the City of Buena Park. The description is
5 based on a clockwise path of the border, beginning from the furthest northeast point of the
6 proposed Safety Zone, and returning to the same point. Unless specifically excluded, the
7 boundary description includes any sidewalks and driveways adjacent to the curb line
8 described.

9 More specifically the Safety Zone is defined as:

- 10 A. Beginning at the northeast corner of the intersection of Chapman Avenue and
11 Placentia Avenue, the north curb line, and including its adjacent sidewalk, of
12 the intersection of Chapman Avenue; (Starting Point)
- 13 B. continuing south on Placentia Avenue, following the east curb line, and
14 including the adjacent sidewalk of Placentia Avenue;
- 15 C. continuing south to the southeast corner of the intersection of Placentia Avenue
16 and Orangethorpe Avenue;
- 17 D. continuing along the south crosswalk limit line crossing Placentia Avenue, and
18 continuing on along the south curb line, and including the adjacent sidewalk,
19 along Orangethorpe Avenue, westbound from the intersection of Placentia
20 Avenue and Orangethorpe Avenue;
- 21 E. continuing westbound along the south curb line, and including its adjacent
22 sidewalk, of Orangethorpe Avenue to Lemon Street;
- 23 F. continuing southbound along the eastern curb line of Lemon Street, and
24 including the adjacent sidewalk, to the 91 Freeway (SR 91);
- 25 G. continuing to the centerline of the 91 Freeway, and turning westbound to again
26 follow the centerline of the freeway, and then turning north to meet the exit and
27 transition road of Magnolia Avenue;
- 28

- 1 H. continuing along the south curb line of the transition road, and extending
2 across Magnolia Avenue northwest to the west curb line, and including the
3 adjacent sidewalk, of Magnolia Avenue;
- 4 I. continuing northbound along the west curb line, and including the adjacent
5 sidewalk, of Magnolia Avenue to the south curb line of Academy drive,
- 6 J. continuing west along the south curb line, including the adjacent sidewalk, of
7 Academy Drive to its termination at the end of this dead end street;
- 8 K. continuing due west to the western fence line of the north/south flood control
9 channel owned and controlled by the Orange County Flood Control Authority;
- 10 L. continuing north along the western fence line and extending due north across
11 the intersection of the north/south flood control channel with the east/west
12 flood control channel in this area, and then north along the western property
13 line of this north/south flood control channel, until it intersects with Valencia
14 Drive;
- 15 M. continuing west bound along the south curb line of Valencia Avenue, and
16 including the adjacent sidewalk, to the southwest corner of the intersection of
17 Valencia Drive and Meade Avenue;
- 18 N. continuing north across Valencia Drive to the rear property lines of the
19 businesses on the east side of Roland Street, beginning at 6460 Roland Street,
20 and continuing due north to Commonwealth Avenue;
- 21 O. continuing due north across Commonwealth Avenue to the south wall of
22 Building C 4119 of the Fullerton Municipal Airport, located at 4119
23 Commonwealth Avenue, and continuing eastbound along the secured perimeter
24 of the Fullerton Municipal Airport, where access is restricted, this line is
25 delineated by an eight foot high fence in most areas, and buildings with walls
26 and locked doors in others, the Safety Zone includes all unrestricted public and
27 parking areas of the airport within the boundary;
- 28

- 1 P. continuing on to follow the secured property line around the Fullerton
2 Municipal Airport, first east and then north, running parallel to Pritchard Street,
3 until it reaches Artesia Boulevard;
- 4 Q. continuing along the south curb line and prolongation of the curb line of Artesia
5 Boulevard to the eastern curb line of Gilbert Street;
- 6 R. continuing south along the east curb line of Gilbert Street, and including the
7 adjacent sidewalk, to Commonwealth Avenue;
- 8 S. continuing east bound along the north curb line and including adjacent sidewalk
9 of Commonwealth Avenue;
- 10 T. continuing north along the rear property lines of the businesses on the west side
11 of the 100 to 300 blocks of North Euclid Street, beginning at the northwest
12 corner of Commonwealth Avenue and Euclid Street, to the end of the property
13 currently occupied by Stater Brothers' Market, at the southwest corner of the
14 intersection of North Euclid Street and West Chapman Avenue;
- 15 U. continuing north along the west curb line of North Euclid Street, and including
16 the adjacent sidewalk, and extending across the street to the north curb line of
17 Malvern Avenue;
- 18 V. continuing east along the north curb line, and including adjacent sidewalk, to
19 the intersection with Woods Avenue, where Malvern Avenue becomes
20 Chapman Avenue, continuing along the north curb line of now Chapman
21 Avenue, the boundary of the safety zone extends north to include the flood
22 control channel that runs parallel to Chapman Avenue from Woods Avenue to
23 Malden Avenue, and then continuing along the north curb line, including only
24 the adjacent sidewalk to Harbor Boulevard;
- 25 W. continuing north along the west curb line of Harbor Boulevard, including the
26 adjacent sidewalk to the southwest corner of the intersection with Brea
27 Boulevard, and across Harbor Boulevard to the south curb of Brea Boulevard;
28

- 1 X. continuing northeast along the south curb line of Brea Boulevard, to the
2 intersection with Lemon Street;
- 3 Y. continuing across Lemon Street to the eastern curb line, and continuing south to
4 the intersection with Berkley Avenue;
- 5 Z. continuing along the north curb line of Berkley Avenue, and including the
6 adjacent sidewalk, as that street curves in a northeast direction, and then turns
7 south, the north curb becomes the east curb as the street curves south at Hornet
8 Way, and the Safety Zone border follows this line until it reaches Chapman
9 Avenue;
- 10 AA. continuing east along the north curb line, and including the adjacent
11 sidewalk, until it reaches Raymond Avenue, from Raymond Avenue to Acacia
12 Avenue, the border would extend northward to the northern edge of the alley
13 which runs parallel to Chapman Avenue on its north side, and is the rear
14 property line for the adjacent properties that front along Central Avenue;
- 15 BB. continuing across Acacia Avenue to the east curb line, then turning south,
16 returning to the north curb of Chapman Avenue, and including the adjacent
17 sidewalk;
- 18 CC. continuing along the north curb of Chapman Avenue, and including the
19 adjacent sidewalk, to the northeast corner curb line of the intersection with
20 Placentia Avenue. (Back to Starting Point)
- 21 4. For a judicial determination that Fullerton Tokers Town criminal street
22 gang, it's members, including, but not limited to, the individuals listed as "Designated
23 Fullerton Tokers Town Members," participants, agents, associates, servants, employees,
24 aiders, and abettors whose membership, participation, agency, association, service,
25 employment, aid, or abetment is more than nominal, passive, inactive, or purely technical,
26 and all persons acting under, in concert with, for the benefit of, at the direction of, or in
27 association with Fullerton Tokers Town criminal street gang in a manner that is more than
28

1 nominal, passive, inactive, or purely technical, are responsible for creating and
2 maintaining the public nuisance in the Safety Zone.

3 5. For preliminary and permanent injunctive relief enjoining and restraining
4 Fullerton Tokers Town criminal street gang (an unincorporated association), and its
5 members, participants, agents, associates, servants, employees, aiders, and abettors whose
6 membership, participation, agency, association, service, employment, aid, or abetment is
7 more than nominal, passive, inactive, or purely technical, and all persons acting under, in
8 concert with, for the benefit of, at the direction of, or in association with Fullerton Tokers
9 Town criminal street gang in a manner that is more than nominal, passive, inactive, or
10 purely technical, from engaging in or performing directly or indirectly, any of the
11 following activities in the Safety Zone:

12 **a. Do Not Associate:** Anywhere in any public place, any place accessible to the
13 public, or in public view, do not stand, sit, walk, drive, bicycle, gather or appear with (1)
14 anyone you know to be a member, participant, agent, associate, servant, employee, aider,
15 or abettor of the Fullerton Tokers Town criminal street gang, or (2) anyone you know to
16 be to be acting under, in concert with, for the benefit of, at the direction of, or in
17 association with the Fullerton Tokers Town criminal street gang. This prohibition shall
18 not apply in either of the following situations: (1) when an enjoined person is lawfully
19 inside the premises of a licensed school attending class or conducting school business
20 during regular school hours, or (2) when an enjoined person is inside the premises of a
21 church or religious institution for the purpose of worship. However, this prohibition shall
22 apply to all methods of travel to and from any of the aforementioned permissible
23 locations. (*People ex rel. Gallo v. Acuna, supra*, 14 Cal.4th at 1110, 1117-1118, 1121-
24 1122 [discussion of provision (a)], 1123-1125; *In re Englebrecht, supra*, 67 Cal.App.4th
25 at 488-489, 490 fn. 3 [quoting par (a)]; *People v. Englebrecht, supra*, 88 Cal.App.4th at
26 1243 and 1261. *People ex. rel. Totten v. Colonia Chiques* (2007) 156 Cal.App.4th 1, 35-
27 37.)

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1 **b. Do Not Intimidate:** Anywhere in any public place, any place accessible to the
2 public, or in public view, do not (1) confront, intimidate, annoy, harass, threaten,
3 challenge, provoke, assault, or batter anyone in the Safety Zone, or (2) remain in the
4 presence of or assist anyone you know is confronting, intimidating, annoying, harassing,
5 threatening, challenging, provoking, assaulting, or battering anyone in the Safety Zone.
6 (Penal Code §§ 31, 136.1, 240, 242, 415, and 422; *People ex rel. Gallo v. Acuna, supra*,
7 14 Cal.4th at 1118-1122; *In re Englebrecht, supra*, 67 Cal.App.4th at 490 fn. 3, 493, [par
8 (k)].)

9 **c. Stay Away From Drugs and Drug Paraphernalia:** Anywhere in any public
10 place, any place accessible to the public, or in public view, do not (1) unlawfully use,
11 possess, transport, furnish, manufacture, deliver, dispense, distribute, or sell any drug,
12 including cocaine, base "rock" cocaine, heroin, marijuana, methamphetamine, opium,
13 PCP, or other controlled substance (2) unlawfully use, possess, transport, furnish,
14 manufacture, deliver, dispense, distribute, or sell any drug paraphernalia, such as a pipe,
15 hypodermic needle, syringe, or other device, contrivance, or instrument used for
16 unlawfully ingesting, injecting, inhaling or smoking any drug or controlled substance, (3)
17 remain in the presence of or assist anyone you know is unlawfully using, possessing,
18 transporting, furnishing, manufacturing, delivering, dispensing, distributing, or selling any
19 drug, including cocaine, base "rock" cocaine, heroin, marijuana, methamphetamine,
20 opium, PCP, or other controlled substance, or drug paraphernalia, such as a pipe,
21 hypodermic needle, syringe, or device, contrivance, or instrument used for unlawfully
22 ingesting, injecting, inhaling, or smoking any drug or controlled substance (4) remain in
23 the presence of or assist anyone you know to be unlawfully under the influence of any
24 drug or controlled substance, (5) knowingly remain in the presence of any illegal drug,
25 including cocaine, base "rock" cocaine, heroin, marijuana, methamphetamine, opium,
26 PCP, or other controlled substance, or drug paraphernalia, such as a pipe, hypodermic
27 needle, syringe, or other device, contrivance, or instrument used for unlawfully ingesting,
28 injecting, inhaling, or smoking any drug or controlled substance, or (6) unlawfully be

1 under the influence of any drug. (Bus. & Prof. Code §§ 4060, 4140-4141; Health & Saf.
2 Code §§ 11014, 11014.5, 11018-11021, 11053-11058, 11364, and 11550; Pen. Code § 31;
3 *People v. Englebrecht, supra*, 88 Cal.App.4th at 1243, fn. 2, [par (l)].)

4 **d. Stay Away From Guns, Explosive Devices and Weapons:** Anywhere in any
5 public place, any place accessible to the public, or in public view, do not (1) use, possess,
6 transport, furnish, manufacture, deliver, dispense, distribute, dispose, discard, or sell any
7 firearm, gun, replica firearm, ammunition, BB gun, pellet gun, explosive device,
8 destructive device, or weapon such as knives, dirks, daggers, clubs, metal knuckles, hard
9 plastic knuckles, nunchakus, chains, slingshots, or any weapon listed in Penal Code §
10 12020, (2) remain in the presence of or assist anyone you know is using, possessing,
11 transporting, furnishing, manufacturing, delivering, dispensing, distributing, disposing,
12 discarding, or selling any firearm, gun, replica firearm, ammunition, BB gun, pellet gun,
13 explosive device, destructive device, or weapon such as knives, dirks, daggers, clubs,
14 metal knuckles, hard plastic knuckles, nunchakus, chains, slingshots, or any weapon listed
15 in Penal Code § 12020, or (3) knowingly remain in the presence of any firearm, gun,
16 replica firearm, ammunition, BB gun, pellet gun, explosive device, destructive device, or
17 weapon such as knives, dirks, daggers, clubs, metal knuckles, hard plastic knuckles,
18 nunchakus, chains, slingshots, or any weapon listed in Penal Code § 12020. (Health &
19 Saf. Code §§ 12000, 12120, 12303, and 12305; Pen. Code §§ 31, 12001, 12020, 12020.1,
20 12301, 12550; *People v. Englebrecht, supra*, 88 Cal.App.4th at 1243, fn. 2, [par (c), (j)].)

21 **e. Do Not Fight:** Anywhere in any public place, any place accessible to the public,
22 or in public view, do not (1) unlawfully fight or challenge another person to fight, (2)
23 remain in the presence of or assist anyone you know is unlawfully fighting or challenging
24 another person to fight, (3) maliciously and willfully disturb another person by loud or
25 unreasonable noise, (4) remain in the presence of or assist anyone you know is
26 maliciously and willfully disturbing another person by loud or unreasonable noise, (5) use
27 offensive words which are inherently likely to provoke an immediate violent reaction, or
28 (6) remain in the presence of or assist anyone you know is using offensive words which

1 are inherently likely to provoke an immediate violent reaction. (Pen. Code §§ 31 and 415;
2 *People v. Englebrecht, supra*, 88 Cal.App.4th at 1243, fn. 2, [par (d)].)

3 **f. Do Not Trespass:** Do not (1) be present on, remain on or pass through any
4 property not open to the public unless you have the voluntary consent of the owner,
5 owner's agent, or the person in lawful possession of the property, (2) remain in the
6 presence of or assist anyone you know is present on, remaining on, or passing through any
7 property not open to the public without the voluntary consent of the owner, owner's agent
8 or the person in lawful possession of the property; (3) enter posted school grounds during
9 school hours without first obtaining permission from the administrative office of the
10 school or school district unless, as to the specific school grounds you are entering, you are
11 a currently enrolled student, teacher, staff member, employee, service provider, vendor,
12 counselor, approved volunteer, parent of a currently enrolled student at the school, or are
13 an attendee at a school event at the school grounds you are entering that is open to the
14 public while that event is open and you are only in the area(s) open for that event, or when
15 you are attending a function of authorized groups pursuant to Education Code § 40040 et.
16 seq., (4) remain in the presence of or assist anyone you know is entering school grounds
17 during school hours without having first obtained permission from the administrative
18 office of the school or school district unless you know, as to the specific school grounds
19 he or she is entering, that person is a currently enrolled student, teacher, staff member,
20 employee, service provider, vendor, counselor, approved volunteer, parent of a currently
21 enrolled student, or is an attendee at a school event at the school grounds he or she is
22 entering that is open to the public while that event is open and that person is only in the
23 area(s) open for that event, or when he or she is attending a function of authorized groups
24 pursuant to Education Code § 40040 et. seq. (Pen. Code §§ 626.6, 626.7, 626.8, 627,
25 627.1, 627.2, 627.3, 627.4, 627.8; Fullerton Municipal Code §7.105.010; *People v.*
26 *Englebrecht, supra*, 88 Cal.App.4th at 1243, fn. 2, [par (g)].)

27 **g. Do Not Block Free Passage:** Anywhere in any public place, any place
28 accessible to the public, or in public view, do not (1) willfully and maliciously block the

1 free passage of any person or vehicle on any street, walkway, sidewalk, driveway,
2 alleyway, parking lot, or other area of public passage, or (2) remain in the presence of or
3 assist anyone you know is willfully and maliciously blocking the free passage of any
4 person or vehicle on any street, walkway, sidewalk, driveway, alleyway, parking lot, or
5 other area of public passage. (Pen. Code §§ 31 and 647c; Fullerton Municipal Code
6 §7.36.010; *In re Englebrecht*, *supra*, 67 Cal.App.4th at 490 fn. 3, 493 [par (h)].)

7 **h. Do Not Engage In Graffiti and/or Vandalism And Stay Away From**
8 **Graffiti/Vandalism Tools:** Anywhere in any public place, any place accessible to the
9 public, or in public view, do not (1) maliciously paint, write, mark, inscribe, etch, scratch,
10 draw, label, paste, apply, affix, or otherwise deface any real or personal property not your
11 own with any type of graffiti or other inscribed material, including any unauthorized
12 inscription, word, figure, mark, or design, (2) remain in the presence of or assist anyone
13 you know is maliciously painting, writing, marking, inscribing, etching, scratching,
14 drawing, labeling, pasting, applying, affixing, or otherwise defacing any real or personal
15 property not belonging to him her or you with any type of graffiti or other inscribed
16 material, including any unauthorized inscription, word, figure, mark, or design, (3)
17 maliciously damage or destroy real or personal property not your own, (4) remain in the
18 presence of or assist anyone you know is maliciously damaging or destroying real or
19 personal property not belonging to him, her or you, (5) unlawfully possess a spray paint
20 can, paint stick, paint pen, marker pen, felt tip marker as defined in Penal Code section
21 594.2, knife, screwdriver, razor blade, nail, etching tool, adhesive sticker, drill bit,
22 grinding stone, marking substance as defined in Penal Code § 594.2, or other object
23 capable of marking, scarring, destroying, damaging or defacing property, or (6) remain in
24 the presence of or assist anyone you know is unlawfully possessing a spray paint can,
25 paint stick, paint pen, marker pen, felt tip marker as defined in Penal Code § 594.2, knife,
26 screwdriver, razor blade, nail, etching tool, adhesive sticker, drill bit, grinding stone,
27 marking substance as defined in Penal Code section 594.2, or other object capable of
28 marking, scarring, destroying, damaging or defacing property. (Pen. Code §§ 31, 594,

1 and 594.2; Fullerton Municipal Code §§ 7.31.010 – 7.31.070; *People v. Englebrecht*,
2 *supra*, 88 Cal.App.4th at 1243, fn. 2, [par (e), (f)].)

3 **i. Do Not Use Fullerton Tokers Town Criminal Street Gang Hand Signs or**
4 **Symbols:** Anywhere in any public place, any place accessible to the public, or in public
5 view, do not (1) use, display, or communicate by means of any words, phrases, physical
6 gestures, hand signs, or symbols that you know describe, represent, or refer to the
7 Fullerton Tokers Town criminal street gang, or (2) remain in the presence of or assist
8 anyone you know is using, displaying, or communicating by means of any words, phrases,
9 physical gestures, hand signs or symbols that you know describe, represent, or refer to the
10 Fullerton Tokers Town criminal street gang. (*People v. Englebrecht, supra*, 88
11 Cal.App.4th at 1243 fn. 2, 1266-1267 [par (s)].)

12 **j. Do Not Wear Fullerton Tokers Town Criminal Street Gang Clothing:**
13 Anywhere in any public place, any place accessible to the public, or in public view, do not
14 (1) wear, display, exhibit, or possess any clothes or accessories that you know advertise,
15 advance, promote, represent, or refer to the Fullerton Tokers Town criminal street gang,
16 including clothes or accessories that display, exhibit, or feature, in any variation or
17 combination, the image, name, words, letters, or numbers “Fullerton Tokers Town,”
18 “Fullerton,” “Fulas,” “Fula Funk,” “Truslow Street,” “Brown Pride,” “Eastside,” “1503,”
19 “714,” “F,” “T,” “E,” “S,” “P,” “SUR,” “OC,” “Orange County,” “Toqueros,” “Prowlers,”
20 “Southside,” “Sickos,” “Pritchard,” “X3,” “XIII,” “13,” “31,” “6,” “20,” clothes or
21 accessories of the California State University at Fullerton, clothes or accessories of
22 Fullerton College, clothes or accessories of the Etnies clothing company, clothes or
23 accessories from the Famous Stars and Straps clothing company, clothes or accessories of
24 the National Football League Teams the Dallas Cowboys, Tennessee Titans, and Atlanta
25 Falcons, clothes or accessories of the Major League Baseball teams the Texas Rangers,
26 Toronto Blue Jays, and Florida Marlins, or clothes or accessories that memorialize the
27 death or imprisonment of current or former Fullerton Tokers Town criminal street gang
28 participants, (2) remain in the presence of or assist anyone that you know is wearing,

1 displaying, exhibiting, or possessing any clothes or accessories that you know advertise,
2 advance, promote, represent, or refer to the Fullerton Tokers Town criminal street gang.
3 (*People v. Englebrecht, supra*, 88 Cal.App.4th at 1243 fn. 2, 1266-1267 [par (t)].)

4 **k. Stay Away From Burglary Tools:** Anywhere in any public place, any place
5 accessible to the public, or in public view, do not (1) unlawfully use, possess, transport,
6 furnish, manufacture, deliver, dispense, distribute, or sell any screwdriver, ceramic or
7 porcelain spark plug chip, shaved key, picklock, wire cutter, dent puller, slingshot, steel
8 shot, spark plug, slim jim, bump key, or any instrument or tool listed in Penal Code § 466,
9 or (2) remain in the presence of or assist anyone you know is unlawfully using,
10 possessing, transporting, furnishing, manufacturing, delivering, dispensing, distributing,
11 or selling any screwdriver, ceramic or porcelain spark plug chip, shaved key, picklock,
12 wire cutter, dent puller, slingshot, steel shot, spark plug, slim jim, bump key, or any
13 instrument or tool listed in Penal Code § 466. (Pen. Code § 466; *In re Englebrecht,*
14 *supra*, 67 Cal.App.4th at 490 fn. 3, [par (o)]; *People v. Englebrecht, supra*, 88
15 Cal.App.4th at 1243 fn. 2 [par (n)].)

16 **l. Obey Curfew if You Are a Minor:** If you are under eighteen (18) years of age,
17 anywhere in any public place, any place accessible to the public, or in public view, do not
18 remain, linger, or stay in or upon, or fail to leave any public place, vacant lot, or business
19 establishment between the hours of 10:00 p.m. on any day and 6:00 a.m. of the following
20 day, unless: (1) you are accompanied by your parent(s) or legal guardian, (2) you are on
21 an errand without any detour or stop at the direction of your parent(s), legal guardian or
22 responsible adult, (3) you are on a public or private sidewalk bordering, touching and
23 directly in front of your own residence or bordering, touching and directly in front of the
24 residence of your nearest next door neighbor, (4) you are acting within the course and
25 scope of your lawful employment or business or when you are going to or from such place
26 of lawful employment or business by a reasonably direct route, without detour, from or to
27 your home, or when you are going to or from a bona fide interview for lawful
28 employment by a reasonably direct route, without detour, from or to your home, (5) you

1 are going to or from, are attending, or are engaged in, an official school, official religious,
2 or other expressive activity within the scope of your rights under the First Amendment to
3 the Constitution of the United States which activity is supervised or overseen by an adult
4 person on behalf of any public entity, civic organization, non-profit organization,
5 educational organization, governmental organization, or similar organization, where you
6 are going to or from such activity in a reasonably direct route, without detour, from or to
7 your home, (6) you are going to or from a place of lawful entertainment, recreation,
8 culture, or charity that is open to the public, such as a restaurant, theater, museum, church,
9 sports arena, homeless shelter, food bank, library, public park during operating hours,
10 gymnasium, bookstore, coffee shop, or hospital, for an activity which is supervised or
11 overseen by an adult person on behalf of any public entity, civic organization, non-profit
12 organization, educational organization, governmental organization, or similar
13 organization, where you are going to or from such activity in a reasonably direct route,
14 without detour, from or to your home, (7) you are a registered volunteer at any shelter,
15 hospital, school or other charitable institution and you are going to or from your volunteer
16 work in a reasonably direct route, without detour, from or to your home, (8) you are
17 responding to an emergency situation, such as a fire, a natural disaster, an automobile
18 accident, or any situation requiring immediate action to prevent serious bodily injury or
19 loss of life, or (9) you are in a vehicle engaged in interstate travel. (Fullerton Municipal
20 Code §§ 7.20.010 – 7.20.030; *In re Englebrecht, supra*, 67 Cal.App.3rd at 490 fn. 3, [par
21 (x)]; *People v. Englebrecht, supra*, 88 Cal.App.4th at 1243 fn. 2, [par (v)]; *In re Nancy C.*
22 (1972) 28 Cal.3rd 747; *Alves v. Superior Court* (1957) 148 Cal.App.2d 419.)

23 **m. Obey Curfew if You Are an Adult:** If you are eighteen (18) years of age or
24 older, anywhere in any public place, any place accessible to the public, or in public view,
25 do not remain, linger or stay in or upon, or fail to leave any public place, vacant lot, or
26 business establishment between the hours of 10:00 p.m. on any day and 6:00 a.m. of the
27 following day, unless: (1) you are on a public or private sidewalk bordering, touching and
28 directly in front of your own residence or bordering, touching, and directly in front of the

1 residence of your nearest next door neighbor, (2) you are acting within the course and
2 scope of your lawful employment or business, or when you are going to or from such
3 place of lawful employment or business by a reasonably direct route, without detour, from
4 or to your home or when you are going to or from your home for a bona fide interview for
5 lawful employment by a reasonably direct route, without detour, from or to your home,
6 (3) you are going to or from, are attending, or are engaged in, an official school, official
7 religious, or other expressive activity within the scope of your rights under the First
8 Amendment to the Constitution of the United States, where you are going to or from such
9 activity in a reasonably direct route, without detour, from or to your home, (4) you are
10 going to or from a place of lawful entertainment, recreation, culture, or charity that is
11 open to the public, such as a restaurant, theater, museum, church, sports arena, homeless
12 shelter, food bank, library, public park during operating hours, gymnasium, coffee shop,
13 or hospital, where you are going to or from such place in a reasonably direct route,
14 without detour, from or to your home, (5) you are a registered volunteer at any shelter,
15 hospital, school or other charitable institution and you are going to or from your volunteer
16 work in a reasonably direct route, without detour, from or to your home, (6) you are
17 responding to an emergency situation, such as a fire, a natural disaster, an automobile
18 accident, or any situation requiring immediate action to prevent serious bodily injury or
19 loss of life, or (7) you are in a vehicle engaged in interstate travel. *In re Englebrecht*,
20 *supra*, 67 Cal.App.3rd at 490 fn. 3, [par (x)]; *People v. Englebrecht*, *supra*, 88
21 Cal.App.4th at 1243 fn. 2, [par (v)]; *In re Nancy C.* (1972) 28 Cal.3rd 747; *Alves v.*
22 *Superior Court* (1957) 148 Cal.App.2d. 419.)

23 **n. Stay Away From Alcohol:** Anywhere in any public place, any place accessible
24 to the public, or in public view, unless you are lawfully in a bar, restaurant, or other
25 establishment licensed for the consumption of alcohol, do not (1) drink alcoholic
26 beverages, (2) possess any can, bottle, or other receptacle containing any alcoholic
27 beverage, which has been opened, or has had the seal broken, or the contents of which has
28 been partially removed, (3) unlawfully be under the influence of alcohol, (4) knowingly

1 remain in the presence of anyone possessing any can, bottle, or other receptacle
2 containing any alcoholic beverage, which has been opened, or has had the seal broken, or
3 the contents of which has been partially removed, or (5) knowingly remain in the presence
4 of any can, bottle, or other receptacle containing any alcoholic beverage, which has been
5 opened, or has had the seal broken, or the contents of which has been partially removed.
6 (Pen. Code § 647(f); Fullerton Municipal Code §7.17.010; Veh. Code §§ 21221.5, 23140,
7 23152(a); *People ex. rel. Totten v. Colonia Chiques, supra*, 156 Cal.App 4th p. 38-39.)

8 **o. Do Not Act as a Lookout:** Anywhere in any public place, any place accessible
9 to the public, or in public view, do not keep watch, yell, whistle, signal, gesture, motion,
10 or use a device such as a horn, phone, cell phone, radio or other device, or otherwise act
11 as a lookout to warn another person of the approach or presence of a law enforcement
12 officer or security guard, or of the approach or presence of a person during an attempted
13 or completed commission of a crime or an attempted or completed violation of any part of
14 this order. (*People v. Engelbrecht, supra*, 88 Cal.App.4th 1236, 1243, fn. 2, [par (q)]; *In*
15 *re Engelbrecht, supra*, 67 Cal.App.4th 486, 490, fn. 3, [par (r)].)

16 **p. Obey All Laws:** Anywhere in any public place, any place accessible to the
17 public, or in public view, obey all laws and court orders.

18 **q. Definitions:** For purposes of this order, “public place” means any place open to
19 common, or general use, participation or enjoyment by the public (*In re Zorn* (1963) 59
20 Cal.2d 650, 652); any place that the public has a right to go and to be (*People v. Belanger*
21 (1966) 243 Cal.App.2d 654, 657); or any location that is open and accessible to all those
22 who wish to go there rather than a place which the general public frequents (Pen. Code §
23 647, subds. (a) & (f), CALCRIM § 1161, *People v. Perez* (1976) 64 Cal.App.3d 297,
24 301). For purposes of this order, a “public place” includes, but is not limited to, churches,
25 hospitals, transport facilities, libraries, theaters, parks, stores, shops, malls, bars,
26 restaurants, parking lots, parking structures, streets, roads, driveways, highways,
27 sidewalks, walkways, alleys, pools (including public pools, association pools, community
28 pools, or apartment pools), common areas of schools, and common areas of apartment

1 buildings, including internal and external hallways. "Accessible to the public" means any
2 place that is open to the public, or easily approached or entered by the public. "In public
3 view" means any place where the public may see, behold, be present at a showing,
4 examine, inspect, survey, study mentally, or consider.

5 **r. Limitation:** Nothing in this order shall be construed to infringe upon the
6 legitimate and lawful exercise of constitutionally protected rights of freedom of speech
7 and expression under the First Amendment to the Constitution of the United States.

8 **s. Severability:** If any specific portion of a provision in this Order is found to be
9 invalid for any reason, such invalidity shall not affect any of the other portions of that
10 provision or any other provision in this Order, and an invalid portion of a provision shall
11 be specifically disregarded; however, the provision as a whole shall not be disregarded.

12 **t. Opt-Out Provision:** Any person who has been served with this injunction may
13 ask the Court for an order to exclude him or her from the terms of the injunction. This
14 request is commonly called a motion. There may be a fee imposed by the court to file the
15 motion. You may request the Court to waive the fee.

16 (1) **Proper Notice:** The Orange County District Attorney's Office (OCDA) must
17 receive notice of your motion. California law requires that you give adequate notice of the
18 motion to the opposing party (OCDA).

19 (2) **Motion:** The motion should include a written statement of any facts and law
20 that you want the court to consider in deciding whether to exclude you from the terms of
21 the injunction. The statement should be signed under the penalty of perjury.

22 (3) **Witnesses:** You may call witnesses to testify at the hearing on the motion. All
23 testifying witnesses will be subject to cross-examination by the opposing side (OCDA).

24 (4) **Standard of Proof:** The burden of proof for relief under this Opt-Out provision
25 will be determined by a "Preponderance of the evidence" standard. This means that for
26 the Court to grant your motion and exclude you from the terms of the injunction, the
27 Court must find that it is more likely than not, that you are not an active participant in the
28 named criminal street gang (Fullerton Tokers Town).

1 (5) **No Effect on Other Cases:** The OCDA is not bound by the criteria of this Opt-
2 Out Provision in any other action, other than a motion brought by a person served with the
3 injunction who exercises this Opt-Out Provision.

4 (6) **Order Not Admissible in Other Proceedings:** This Opt-Out Provision and
5 any orders arising from it are not admissible in any civil or criminal action and cannot be
6 used for, or against you for any purpose whatsoever, other than in a civil or criminal
7 contempt proceeding brought for a violation of this injunction, and;

8 (7) **Subsequent Behavior May Result in Re-Service:** If you are excluded from
9 this injunction through the Opt-Out Provision, and are later found to be actively
10 participating in criminal street gang behavior, such as claiming membership in a gang,
11 associating with known active participants of a gang other than immediate family, being
12 arrested for any gang-related felony or misdemeanor crime or obtaining any gang related
13 tattoo, then you may again be served with the injunction and you will be required to
14 comply with all of its terms.

15
16 Respectfully submitted,

17 

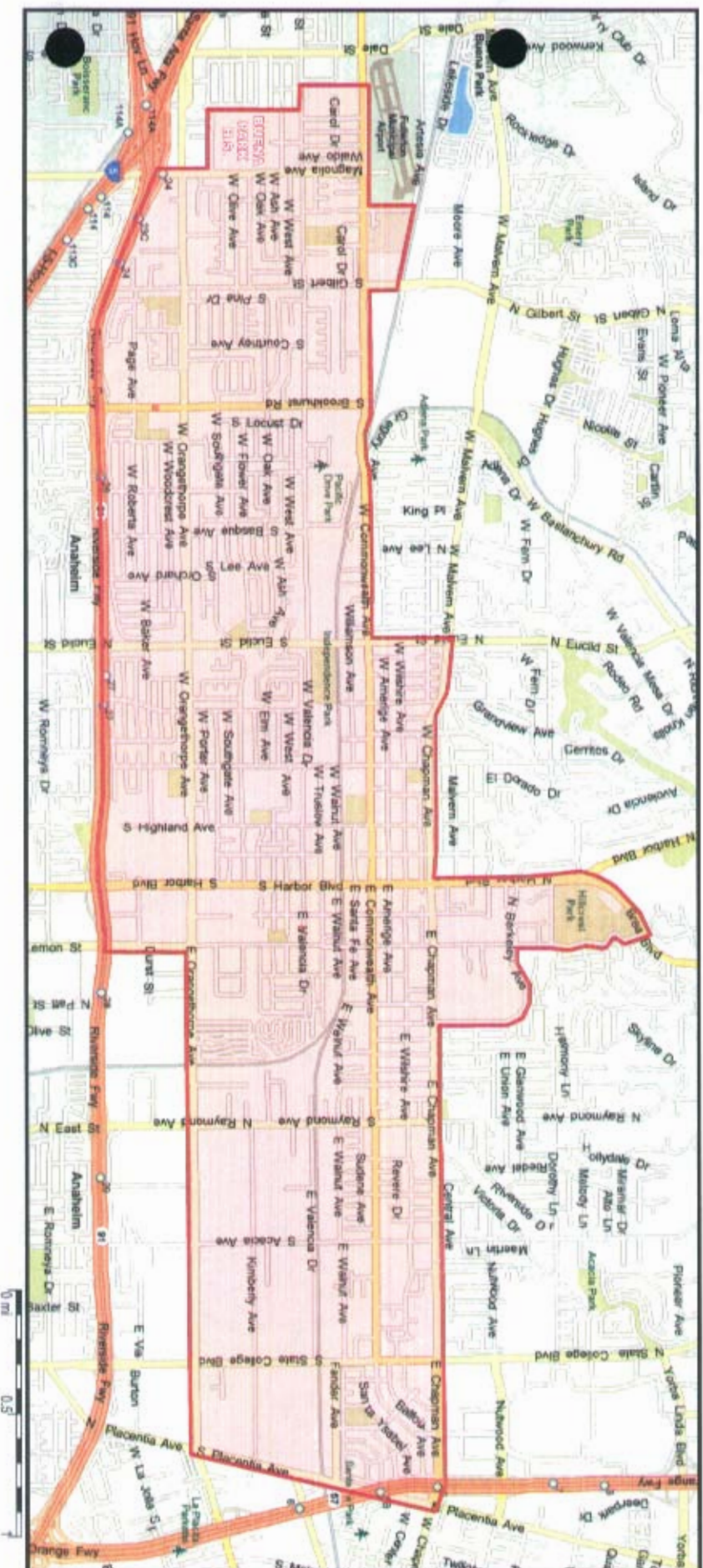
18
19 DATED: 2/17/11

20 TONY RACKAUCKAS, DISTRICT ATTORNEY
21 COUNTY OF ORANGE, STATE OF CALIFORNIA
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EXHIBIT

A

FULLERTON SAFETY ZONE



Gang Participant Involved Incidents

1	Murder	613	Associate	146	Gang Clothes
5	Attempted Murder	11	Disturbing the Peace	30	Burglary/Burglary Tool
25	Assault	83	Intimidation	29	Robbery
110	Drugs or Paraphernalia	113	Alcohol in Public	246	Loitering
87	Guns/Dangerous Weapons	30	Trespassing	249	Curfew
33	Fighting	16	Blocking Free Passage	19	Vehicle Theft
77	Graffiti/Vandalism or Tools	17	Gang Hand Signs		

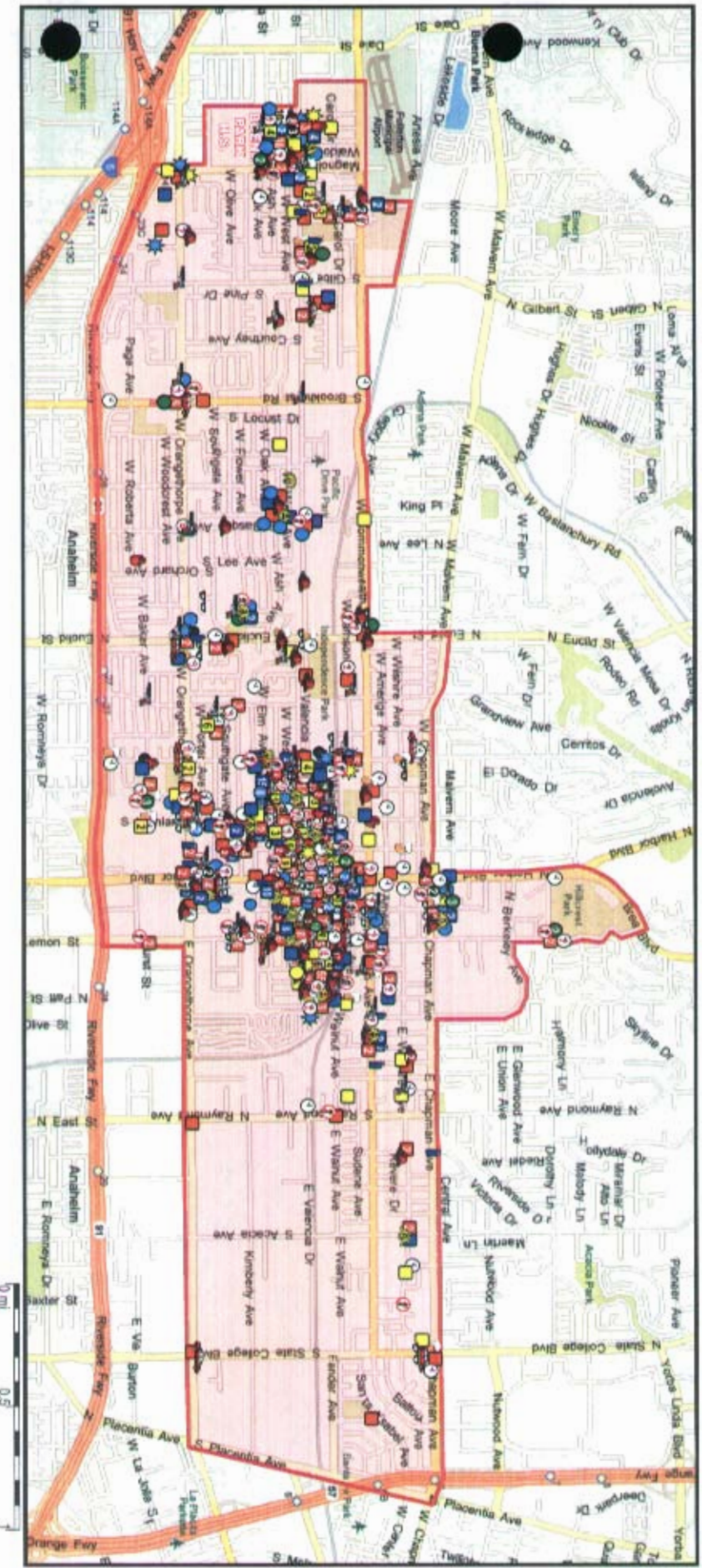
* Numbers represent the number of gang participants involved in the incident

FO232-620

EXHIBIT

B

FULLERTON SAFETY ZONE



Gang Participant Involved Incidents

- | | | |
|-----------------------------|-----------------------|------------------------|
| Murder | Associate | Gang Clothes |
| Attempted Murder | Disturbing the Peace | Burglary/Burglary Tool |
| Assault | Intimidation | Robbery |
| Drugs or Paraphernalia | Alcohol in Public | Loitering |
| Guns/Dangerous Weapons | Trespassing | Curfew |
| Fighting | Blocking Free Passage | Vehicle Theft |
| Graffiti/Vandalism or Tools | Gang Hand Signs | |

* Numbers represent the number of gang participants involved in the incident