

FILED
San Francisco County Superior Court

NOV 29 2006

GORDON PARK-LI, Clerk
BY: [Signature]
Deputy Clerk

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO
UNLIMITED JURISDICTION

PEOPLE OF THE STATE OF CALIFORNIA, *ex rel.* Dennis J. Herrera, City Attorney for the City and County of San Francisco,

Plaintiff,

vs.

OAKDALE MOB, a criminal street gang sued as an unincorporated association; and DOES 1—500,

Defendants.

Case No. 456517

ORDER GRANTING
PRELIMINARY INJUNCTION

Hearing Date: November 22, 2006
Hearing Judge: Hon. Peter J. Busch
Time: 9:30 a.m.
Place: Dept. 301

Date Action Filed: September 27, 2006
Trial Date: N/A

Plaintiff, the People of the State of California, *ex rel.* Dennis J. Herrera as the City Attorney for the City and County of San Francisco, applied for an order to show cause (the "OSC") re: preliminary injunction to abate a public nuisance through the use of what is commonly known as a "gang injunction," against defendant Oakdale Mob, an unincorporated association alleged to be a criminal street gang, and against all members of defendant OAKDALE MOB, in a "Safety Zone," located in the City and County of San Francisco, bounded by Griffith Street to the east, Palou Avenue to the south, Ingalls Street to the west, and Navy

1 Road to the north, continuing straight beyond the end of Navy Road to where it would intersect
2 with Ingalls Street, and including both sides of those four boundaries streets. After consideration
3 of the application, this Court issued the OSC. Upon return of said OSC, and after due
4 consideration of all papers filed in this action, including the declarations, other evidence
5 submitted, People's Memorandum of Points and Authorities including *People ex rel. Gallo v.*
6 *Acuna* (1997) 14 Cal.4th 1090, *cert. denied*, 521 U.S. 1121; *People v. Englebrecht* (2001) 88
7 Cal.App.4th 1236; *In re Englebrecht* (1998) 67 Cal.App.4th 486, and other argument of counsel,
8 this Court finds by clear and convincing evidence that service is proper under the circumstances,
9 that the defendant is a criminal street gang as defined in Penal Code Section 186.22 (the Street
10 Terrorism Enforcement and Prevention "STEP" Act), that a public nuisance caused by the
11 conduct and activities of criminal street gangs exists in the Safety Zone, and that the conduct and
12 activities of the defendant and the members of defendant is a cause of the public nuisance that
13 exists in the Safety Zone; and

14 GOOD CAUSE HAVING BEEN SHOWN, IT IS HEREBY ORDERED that:

15 1. Defendant OAKDALE MOB and OAKDALE MOB members Laurice Barrett, Larry
16 Benjamin, Deonte Bennett, Gregory Bennett, Shaun Britton, Geary Brown, Kerry Dawson,
17 Daniel Dennard, Namone Green, Darren Harrell, Shanteak Harris, aka Kincaid, Antonio
18 Johnson, Curtis Jones, Ellis McGhee, Michael Metcalf, Demauriae Nolan, James Powell,
19 DeShawn Range, Sean Robinson, Charles Rollins, Joseph Willis, and Daven Woolfolk, are
20 enjoined and restrained from engaging in or performing directly or indirectly, any of the
21 following activities in the Safety Zone:

22 a. **No Intimidation:** Confronting, intimidating, annoying, harassing,
23 threatening, challenging, provoking, assaulting or battering any person known to be a
24 witness to, known to be a victim of, or known to have complained about any activity of
25 OAKDALE MOB;

26 b. **No Guns or Dangerous Weapons:** Anywhere in public view or any place
27 accessible to the public, (1) possessing any gun, ammunition, or illegal weapon as
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1 defined in Penal Code Section 12020, (2) knowingly remaining in the presence of anyone
2 who is in possession of such gun, ammunition or illegal weapon, or (3) knowingly
3 remaining in the presence of such gun, ammunition or illegal weapon;

4 c. **No Graffiti or Graffiti Tools:** Damaging, defacing, or marking any public
5 property or private property of another, or possessing any spray paint can, felt tip marker,
6 or other graffiti tool as defined in Penal Code Section 594.2;

7 d. **Stay Away From Drugs:** Without a prescription, (1) selling, possessing, or
8 using any controlled substance or related paraphernalia, including but not limited to
9 rolling papers and pipes used for illegal drug use, (2) knowingly remaining in the
10 presence of anyone selling, possessing, or using any controlled substance or such related
11 paraphernalia, or (3) knowingly remaining in the presence of any controlled substance or
12 such related paraphernalia;

13 e. **No Trespassing:** Being present on or in any property not open to the general
14 public, including the San Francisco Housing Authority and AIMCO, except (1) with the
15 prior written consent of the owner, owner's agent, or the person in lawful possession of
16 the property, or (2) in the presence of and with the voluntary consent of the owner,
17 owner's agent, or the person in lawful possession of the property;

18 f. **Do Not Associate:** Standing, sitting, walking, driving, gathering or
19 appearing, anywhere in public view or any place accessible to the public, with any known
20 member of OAKDALE MOB, but not including: (1) when all individuals are inside a
21 school attending class or on school business; (2) when all individuals are inside a church;
22 and (3) when three or fewer such individuals are in a publicly-accessible place to
23 participate in an anti-drug, anti-gang or anti-crime program, or in a charitable activity run
24 and supervised by the City and County of San Francisco, a church or a charitable
25 community organization that is registered pursuant to Government Code Section 12585;
26 provided, however, that such individuals are in full compliance with all other terms of the
27 injunction, and no association occurs during travel to or from any of those locations.
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1 g. **Do Not Loiter with the Intent to Commit a Narcotics-Related Offense as**
2 **Proscribed in Health and Safety Code Section 11532:** Loitering in a public place in a
3 manner and under circumstances manifesting the purpose and with the intent to commit
4 an offense specified in Chapter 6 of the Health and Safety Code, commencing with
5 Health and Safety Code section 11350, and Chapter 6.5 of the Health and Safety Code,
6 commencing with Section 11400, in accordance with Health and Safety Code Section
7 11532(b);

8 h. **No Nighttime Loitering:** Loitering in a public place between midnight on
9 any day and 5:30 a.m. of the immediately following day;

10 i. **Don't Force Any Person To Join The OAKDALE MOB Gang:** Do not
11 make any threats or do anything threatening, including without limitation to strike, batter,
12 destroy the personal property, or disturb the peace, to cause a person to join the
13 OAKDALE MOB criminal street gang;

14 j. **Don't Prevent Any Person From Leaving The OAKDALE MOB Gang:**
15 Do not make any threats or do anything threatening, including without limitation to
16 shoot, strike, batter, destroy the personal property, or disturb the peace (1) to prevent a
17 person from leaving the OAKDALE MOB criminal street gang or (2) to any person
18 known to have left the OAKDALE MOB criminal street gang; and


19 k. **Obey All Laws:** Obey all laws that (1) prohibit violence and threatened
20 violence including murder, rape, robbery by force or fear, assault and battery, (2) prohibit
21 interference with the property rights of others including trespass, theft, driving or taking a
22 vehicle without the owner's consent, and vandalism, or (3) prohibit the commission of
23 acts which create a nuisance including the illegal sale of controlled substances, loitering
24 with the intent to commit a narcotics-related offense, and blocking the sidewalk;

25 2. No OAKDALE MOB member shall be subject to the provisions of this Order unless
26 said individual has been previously personally served with this Order;

1 3. This order shall be subject to modification of any of its terms upon noticed motion of
2 any party, any person named in paragraph 1 above, and any alleged member of the OAKDALE
3 MOB served under paragraph 2 above; including without limitation motions by the People to add
4 additional persons to be bound and motions to be removed from or to modify the list of persons
5 subject to this Order; and

6 4. Plaintiff, the People of the State of California, shall not be required to post an
7 undertaking pursuant to Code of Civil Procedure section 529(b)(3).

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9 Dated: November 22, 2006



The Honorable Peter J. Busch
Judge of the Superior Court

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California Superior Court
County of San Francisco
Law & Motion Department • Room 301

PEOPLE OF THE STATE OF
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OAKDALE MOB, a criminal street gang
sued as an unincorporated association; and
DOES 1—500,

Defendants.

No. 456517

Certificate of Service by Mail
(CCP § 1013a(4))

I, Gordon Park-Li, Clerk of the Superior Court of the City and County of San Francisco, certify that:

1) I am not a party to the within action;

2) On NOV 29 2006, I served the attached:

ORDER GRANTING PRELIMINARY INJUNCTION

by placing a copy thereof in a sealed envelope, addressed to the following:

Machaela Hctor
Deputy City Attorney
Fox Plaza
1390 Market Street, Sixth Floor
San Francisco, CA 94102-5408

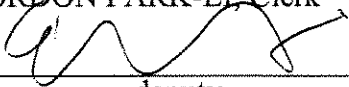
Damone Hale
Damone K. Hale Law Office
182 Howard Street, No. 241
San Francisco, CA 94105

and,

Nina Wilder
Weinberg & Wilder
523 Octavia Street
San Francisco, CA 94102

3) I then placed the sealed envelope in the outgoing mail at 400 McAllister St., San Francisco, CA 94102 on the date indicated above for collection, attachment of required prepaid postage, and mailing on that date following standard court practice.

Dated: NOV 29 2006

GORDON PARK-LI, Clerk
By: 
deputy