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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF SAN DIEGO

10 THE PEOPLE OF THE STATE OF
11 CALIFORNIA,

12 Plaintiff,

13 v.

14 DIABLOS GANG, a.k.a. "EVD," an
unincorporated association; PEDRO
15 ALEJANDRO ALBARRAN (a.k.a. "Negro");
JUAN GARCIA ARAGON (a.k.a. "Lento");
16 RITA SUSIE AVILA (a.k.a. "Chiquita");
JONATHAN GONZALEZ AYALA (a.k.a.
17 "Chubs"); EDGAR URIEL BAHENA (a.k.a.
"Floppy"); EDUARDO BARRAGAN BARAJAS
18 (a.k.a. "Spot"); GERARDO BARAJAS (a.k.a.
"Knuckles"); RAMIRO BARAJAS (a.k.a.
19 "Villain"); ENRIQUE BARRIENTOS; JOSE
ANTHONY BORJA (a.k.a. "Bashful");
20 GILBERT RIOS BUENROSTRO (a.k.a.
"Flaco"); LEONEL BUENROSTRO (a.k.a.
21 "Little Pulga"); ORLANDO GARCIA
BUENROSTRO (a.k.a. "Psycho"); ULLYSES
22 GARCIA BUENROSTRO (a.k.a. "Pulga");
CARLOS EDGAR CANSECO (a.k.a. "Rush");
23 ROMAN CAMPOS CANSECO (a.k.a.
"Trusty"); JUSTIN LAMAR CARTWRIGHT
24 (a.k.a. "Blocks"); JOSE MANUEL CORNEJO
(a.k.a. "Conejo"); RICARDO FAVELA;
25 HECTOR FERNANDEZ (a.k.a. "Evil");
ANTONIO GONZALEZ FIGUEROA (a.k.a.
26 "Orejas," "Ears"); LUCIANO FIGUEROA (a.k.a.
"Little Badger"); LUIS ANGEL FLORES (a.k.a.
27 "Ciego"); JOSE LUIS FONSECA (a.k.a.
"Browser"); HECTOR JAVIER GARCIA (a.k.a.
28 "Studders"); JOSE DEJESUS GARCIA (a.k.a.
"Dumbo"); NESTOR FERNANDO GARCIA
29 (a.k.a. "Nervous"); CHRISTOPHER

Case No. GIN 057995

**[PROPOSED]
ORDER TO SHOW CAUSE RE:
PRELIMINARY INJUNCTION**

Date: January 16, 2007

Time: 9:00 a.m.

Dept: 23

Judge: Honorable Timothy M. Casserly

1 GUTIERREZ (a.k.a. "Sweepy"); PEDRO DAVID
2 GUTIERREZ (a.k.a. "Sparky"); VICTOR
3 MANUEL GUTIERREZ (a.k.a. "Gargoyle");
4 JOSE MANUEL HERNANDEZ (a.k.a.
5 "Knockout"); OMAR JACOB HERNANDEZ
6 (a.k.a. "Wicked"); EDUARDO HERRERA
7 (a.k.a. "Spooky"); HELADIO ADRIAN
8 HERRERA (a.k.a. "Little Spooky"); LUIS
9 MANUEL HERRERA (a.k.a. "Tigger");
10 BRENDA LUZ IBARRA; GILMAR JAIMEZ
11 (a.k.a. "Little One"); OMAR BENITEZ JAIMEZ
12 (a.k.a. "Youngster"); ADAN LANDEROS (a.k.a.
13 "Lucky"); ALFONSO LOPEZ MARTINEZ
14 (a.k.a. "Drifter"); NATALIE DULCE MEJIA
15 (a.k.a. "La Tears"); JENETTE MARIE
16 MESSERSMITH (a.k.a. "Baby Girl"); JESSY
17 MORENO (a.k.a. "Little Monkey"); RAFAEL
18 GABRIEL MURILLO (a.k.a. "Little Giant");
19 FRANCISCO JAVIER NUNGARAY (a.k.a.
20 "Little Chevy"); ULYSSES OCAMPO (a.k.a.
21 "Grumpy"); JOSE LUIS ORTIZ (a.k.a. "Nino");
22 JOSE ANTONIO PEREZ (a.k.a. "Bullet,"
23 "Bala"); GREGORIO PUEBLA (a.k.a. "Lil
24 Froggy"); LUIS MIGUEL RAMIREZ (a.k.a.
25 "Little Chubs"); NORA RAMOS (a.k.a.
26 "Pirate"); JUAN ANGEL REYNOSO (a.k.a. "Lil
27 Necio"); JOSE ALFREDO ROSALES (a.k.a.
28 "Twitch"); JUAN TEJEDA (a.k.a. "Trigger");
29 SERGIO VILLAFANA (a.k.a. "Listo");
ALEJANDRO CORONA VILLANUEVA (a.k.a.
"Curly"); EDUARDO CORONA
VILLANUEVA (a.k.a. "Hitman"); JUAN
MANUEL ZAVALA; and DOES 1-100,

Defendants.

The application of plaintiff, the People of the State of California, for an Order to Show Cause why a Preliminary Gang Injunction should not be issued was heard at the above date and time.

Having reviewed all papers filed in support of the Application, and having heard argument on the matter, the Court finds that this is a proper case for issuance of an Order to Show Cause and that applicant is likely to succeed on the merits, and hereby rules as follows:

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that defendants: DIABLOS GANG, also known as "EVD," an unincorporated association; PEDRO ALEJANDRO ALBARRAN (a.k.a. "Negro"); JUAN GARCIA ARAGON (a.k.a. "Lento"); RITA SUSIE AVILA (a.k.a. "Chiquita"); JONATHAN GONZALEZ AYALA (a.k.a. "Chubs"); EDGAR

1 URIEL BAHENA (a.k.a. “Floppy”); EDUARDO BARRAGAN BARAJAS (a.k.a. “Spot”);
2 GERARDO BARAJAS (a.k.a. “Knuckles”); RAMIRO BARAJAS (a.k.a. “Villain”); ENRIQUE
3 BARRIENTOS; JOSE ANTHONY BORJA (a.k.a. “Bashful”); GILBERT RIOS
4 BUENROSTRO (a.k.a. “Flaco”); LEONEL BUENROSTRO (a.k.a. “Little Pulga”); ORLANDO
5 GARCIA BUENROSTRO (a.k.a. “Psycho”); ULLYSES GARCIA BUENROSTRO (a.k.a.
6 “Pulga”); CARLOS EDGAR CANSECO (a.k.a. “Rush”); ROMAN CAMPOS CANSECO
7 (a.k.a. “Trusty”); JUSTIN LAMAR CARTWRIGHT (a.k.a. “Blocks”); JOSE MANUEL
8 CORNEJO (a.k.a. “Conejo”); RICARDO FAVELA; HECTOR FERNANDEZ (a.k.a. “Evil”);
9 ANTONIO GONZALEZ FIGUEROA (a.k.a. “Orejas,” “Ears”); LUCIANO FIGUEROA (a.k.a.
10 “Little Badger”); LUIS ANGEL FLORES (a.k.a. “Ciego”); JOSE LUIS FONSECA (a.k.a.
11 “Browser”); HECTOR JAVIER GARCIA (a.k.a. “Studders”); JOSE DEJESUS GARCIA (a.k.a.
12 “Dumbo”); NESTOR FERNANDO GARCIA (a.k.a. “Nervous”); CHRISTOPHER
13 GUTIERREZ (a.k.a. “Sweepy”); PEDRO DAVID GUTIERREZ (a.k.a. “Sparky”); VICTOR
14 MANUEL GUTIERREZ (a.k.a. “Gargoyle”); JOSE MANUEL HERNANDEZ (a.k.a.
15 “Knockout”); OMAR JACOB HERNANDEZ (a.k.a. “Wicked”); EDUARDO HERRERA
16 (a.k.a. “Spooky”); HELADIO ADRIAN HERRERA (a.k.a. “Little Spooky”); LUIS MANUEL
17 HERRERA (a.k.a. “Tigger”); BRENDA LUZ IBARRA; GILMAR JAIMEZ (a.k.a. “Little
18 One”); OMAR BENITEZ JAIMEZ (a.k.a. “Youngster”); ADAN LANDEROS (a.k.a. “Lucky”);
19 ALFONSO LOPEZ MARTINEZ (a.k.a. “Drifter”); NATALIE DULCE MEJIA (a.k.a. “La
20 Tears”); JENETTE MARIE MESSERSMITH (a.k.a. “Baby Girl”); JESSY MORENO (a.k.a.
21 “Little Monkey”); RAFAEL GABRIEL MURILLO (a.k.a. “Little Giant”); FRANCISCO
22 JAVIER NUNGARAY (a.k.a. “Little Chevy”); ULYSSES OCAMPO (a.k.a. “Grumpy”); JOSE
23 LUIS ORTIZ (a.k.a. “Nino”); JOSE ANTONIO PEREZ (a.k.a. “Bullet,” “Bala”); GREGORIO
24 PUEBLA (a.k.a. “Lil Froggy”); LUIS MIGUEL RAMIREZ (a.k.a. “Little Chubs”); NORA
25 RAMOS (a.k.a. “Pirate”); JUAN ANGEL REYNOSO (a.k.a. “Lil Necio”); JOSE ALFREDO
26 ROSALES (a.k.a. “Twitch”); JUAN TEJEDA (a.k.a. “Trigger”); SERGIO VILLAFANA (a.k.a.
27 “Listo”); ALEJANDRO CORONA VILLANUEVA (a.k.a. “Curly”); EDUARDO CORONA
28 VILLANUEVA (a.k.a. “Hitman”); JUAN MANUEL ZAVALA; shall appear in Dept. 23 of the
29 Superior Court of Vista, located at 325 S. Melrose Drive, in the City of Vista, California, on

1 February 26, 2007 at 9:00 a.m. to show cause, if there be any, why they, and the DIABLOS
2 GANG, its members, agents, servants, and employees, and all persons acting under, in concert
3 with, or for any of them, should not be enjoined and restrained from engaging in any of the
4 following activity in the “SAFETY ZONES.” “SAFETY ZONE ONE” will now be defined as
5 follows: The border of SAFETY ZONE ONE begins at the intersection of W. Grand Avenue
6 and N. Escondido Boulevard. The border extends north to the intersection with W. El Norte
7 Parkway and includes the 100 through 1200 blocks of N. Escondido Boulevard. From N.
8 Escondido Boulevard and W. El Norte Parkway, the border extends east to the intersection with
9 N. Broadway and includes the 200 through 100 blocks of W. El Norte Parkway. From W. El
10 Norte Parkway and N. Broadway, the border extends south to the intersection with E. Lincoln
11 Avenue and includes the 1200 through 1000 blocks of N. Broadway. From N. Broadway and E.
12 Lincoln Avenue, the border extends east to the intersection with N. Midway Drive and includes
13 the 100 through 1900 blocks of E. Lincoln Avenue. From E. Lincoln Avenue and N. Midway
14 Drive, the border extends south to the intersection with E. Grand Avenue and includes the 900
15 through 100 blocks of N. Midway Drive. From N. Midway Drive and E. Grand Avenue, the
16 border extends west to the intersection of N. Ash Street and includes the 1900 through 1200
17 blocks of E. Grand Avenue. From E. Grand Avenue and N. Ash Street, the border extends south
18 to the intersection with E. 3rd Avenue and includes the 100 through 200 blocks of S. Ash Street.
19 From S. Ash Street and E. 3rd Avenue, the border extends west to the intersection with S. Fig
20 Street and includes the 1100 through 700 blocks of E. 3rd Avenue. From E. 3rd Avenue and S.
21 Fig Street, the border extends north to the intersection with E. Grand Avenue and includes the
22 200 through 100 blocks of S. Fig Street. From S. Fig Street and E. Grand Avenue, the border
23 extends west to the intersection of N. Escondido Boulevard and includes the 600 block of E.
24 Grand Avenue through the 200 block of W. Grand Avenue and extends 100 yards to the outside
25 of each of the boundary streets listed herein. “SAFETY ZONE TWO” will now be defined as
26 follows: The eastern boundary is the 100 block of south Juniper Street from Grand Avenue to
27 the 1600 block of south Juniper Street to Felicita Avenue. The southern boundary will be the
28 200 block of east Felicita Avenue from Juniper Street to the 600 block of west Felicita Avenue
29 at Redwood Street. The boundary then turns north on Redwood Street from the 1600 block of

1 south Redwood Street to the 1500 block of south Redwood Street at 15th Avenue. The boundary
2 then turns west on 15th Avenue at the 700 block of west 15th Avenue and continues to the 900
3 block of west 15th Avenue. The border then turns north at the 1500 block of south Upas Street
4 and runs north to Valley Parkway at what would be the intersection of Upas Street (Upas Street
5 ends in the 100 block of S. Upas Street at Murray Court, and would continue in a straight line to
6 Valley Parkway). At Valley Parkway, the SAFETY ZONE turns east in the 900 block of west
7 Valley Parkway and runs east (where Valley Parkway turns into Grand Avenue at the 800 block)
8 to Juniper Street at the 200 block of east Grand Avenue and extends 100 yards to the outside of
9 each of the boundary streets listed herein. The SAFETY ZONES include both sides of the
10 streets listed above, as well as any alley, driveways, parking lots, structures, and businesses
11 located thereon. (See EXHIBITS A-1 & A-2).

12 a. **No Association With Known Gang Member:** Standing, sitting, walking,
13 driving, gathering or appearing, anywhere in public view or any place accessible to the public,
14 with any named Defendant herein or any known member of DIABLOS, also known as “EVD”,
15 criminal street gang;

16 b. **No Intimidation:** Confronting, intimidating, annoying, harassing, threatening,
17 challenging, provoking, assaulting, or battering any person known to be a witness to or victim of
18 crime, or any person known to have complained about the gang activities of the DIABLOS, also
19 known as “EVD,” criminal street gang;

20 c. **Stay Away From Drugs In Public:** (1) Participating in the selling, possessing or
21 using of any controlled substance, or illegal drug, including, but not limited to: heroin, cocaine,
22 cocaine base, methamphetamine, and marijuana; (2) possession of related drug paraphernalia,
23 including, but not limited to, rolling papers, pipes, or other devices used for injecting, smoking
24 or ingesting illegal drugs; (3) knowingly remaining in the presence or anyone selling,
25 possessing, or using any controlled substance or illegal drug; or (4) being under the influence of
26 a controlled substance, or illegal drug;

27 d. **Stay Away From Alcohol In Public:** Anywhere in public view or anyplace
28 accessible to the public, (1) drinking or possessing an open container of an alcoholic beverage,
29 (2) being under the influence of alcohol; (3) knowingly remaining in the presence of anyone

1 possessing an open container of an alcoholic beverage in public; (4) knowingly remaining in the
2 presence of an open container of an alcoholic beverage in public;

3 e. **No Guns or Dangerous Weapons:** Anywhere in public view or anyplace
4 accessible to the public, (1) possessing any weapons: firearms, including BB guns, airsoft guns,
5 pellet guns, and replica guns, ammunition, knives, baseball bats, brass knuckles, or
6 screwdrivers, without a legitimate purpose, or illegal weapon as defined in Penal Code section
7 12020, (2) knowingly remaining in the presence of anyone who is in possession of such gun,
8 ammunition or dangerous weapon, or (3) knowingly remaining in the presence of such gun,
9 ammunition or dangerous weapon;

10 f. **No Fighting:** Engaging in fighting in public streets, alleys and/or public and
11 private property;

12 g. **No Trespassing:** Being present on any property not open to the general public,
13 except with (1) the prior written consent of the owner, owner's agent, or the person in lawful
14 possession of the property, or (2) in the presence of and with the voluntary consent of the owner,
15 the owner's agent, or the person in lawful possession of the property;

16 h. **No Blocking Free Passage:** Blocking the free passage of any person or vehicle
17 on any street, walkway, sidewalk, driveway, alleyway, or other area of public passage;

18 i. **No Graffiti/Vandalism or Tools:** (1) Spray painting, marking with marker pens,
19 etching, or otherwise applying graffiti on any public or private property, or (2) possessing spray
20 paint cans, marker pens or other objects capable of defacing property;

21 j. **No Acting as Lookouts:** Acting as a lookout, whistling, yelling or otherwise
22 signaling another person to warn of the approach or presence of law enforcement officers;

23 k. **No Gang Hand Signs:** Using words, phrases, physical gestures, or symbols
24 commonly known as hand signs, which describe or refer to the gang known as DIABLOS, also
25 known as "EVD", such as: use their forefinger and thumb to form the letter "D," which stands
26 for "Diablos," form the letter "E" by curling their index finger and thumb to form a "C" and by
27 raising the middle, ring and small finger together above the index finger; they also form the
28 letter "E" by holding the thumb and index finger together and extending the remaining fingers,

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1 and spreading them apart; they form the letter "V" by extending the index finger and middle
2 finger, and spreading them, like the peace sign;

3 1. **No Gang Clothes:** Wearing clothing or accessories, including, but not limited to,
4 caps and belt buckles with the letter "D" on them, Detroit Tigers baseball caps featuring the
5 letter "D" on the front, Duke Blue Devils jerseys and caps featuring the letter "D" and the devil
6 head symbol, or any clothing or accessories which display their gang moniker;

7 m. **No Burglary Tools:** Possessing burglary tools with no legitimate purpose,
8 including, but not limited to screwdrivers, shaved keys, spark plugs or porcelain casings, or
9 other devices capable of being used to break into locked vehicles;

10 n. **No Littering:** Littering in any public place or place open to public view;

11 o. **Juvenile Curfew:** If under the age of eighteen (18), being in a public place
12 between the hours of 11:00 p.m. on any day, and 5:00 a.m. of the following day, unless (1)
13 accompanied by a parent or legal guardian, or by a spouse eighteen (18) years of age or older, or
14 (2) performing an errand directed by a parent or legal guardian, or by a spouse eighteen (18)
15 years of age or older, or (3) returning directly home from a public entertainment, such as a
16 movie, play, sporting event, dance or school activity, or (4) actively engaged in some business,
17 trade, profession, or occupation which requires such presence.

18 **IT IS FURTHER ORDERED** that a copy of this Order to Show Cause shall be served
19 on Defendants no later than _____, 2007.

20 Any opposition to the OSC shall be filed and served on Plaintiff no later than _____
21 _____ (date) by _____ (manner of service).

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1 Any reply papers to such opposition shall be filed and served on Defendant no later than
2 _____ (date) by _____ (manner of service).

3
4 DATED: _____

Judge of the Superior Court

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6 Submitted on January 16, 2007 by:

7
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