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

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

v.

DIABLOS GANG, an unincorporated association; ALONZO BAUTISTA, a.k.a. "Downer"; BONIFACIO BENITEZ; JOSE BORJA, a.k.a. "Mr. Bashful"; ORLANDO BUENROSTRO, a.k.a. "Psycho"; ULYSSES BUENROSTRO, a.k.a. "Pulga"; MOSES CHAVEZ, a.k.a. "Stranger"; RODRIGO FIGUEROA, a.k.a. "Badger"; MIGUEL FUENTES, a.k.a. "Night Owl"; NOEL GONZALEZ, a.k.a. "Demon"; OMAR HERNANDEZ, a.k.a. "Wicked"; EDUARDO HERRERA, a.k.a. "Spooky"; ADAN LANDEROS; JOSE LUIS LOPEZ, a.k.a. "Kermit"; DANIEL LUNA, a.k.a. "Chico"; ANGEL MIGUEL LUPERCIO, a.k.a. "Boxer"; SALVADOR MECINO; FERNANDO NUNEZ; DANIEL RIVERA; RAUL SAUCEDO, a.k.a. "Sniper"; JUAN TEJEDA, a.k.a. "Trigger / Chepe"; and DOES 1 through 50;

Defendants.

No. GIN013906

[PROPOSED] ORDER TO SHOW CAUSE RE PRELIMINARY GANG INJUNCTION AND TEMPORARY RESTRAINING ORDER

Date: July 13, 2001
Time: 9:00 a.m.
Dept: 18
Judge: Hon. John S. Einhorn

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 and a Temporary Restraining Order was heard at the above date and time.

1 After considering the declarations and Memorandum of Points and Authorities on file
2 in this action, arguments of counsel and other evidence submitted:

3 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that defendants
4 ALONZO BAUTISTA, a.k.a. “Downer”; BONIFACIO BENITEZ; JOSE BORJA, a.k.a.
5 “Mr. Bashful”; ORLANDO BUENROSTRO, a.k.a. “Psycho”; ULYSSES BUENROSTRO,
6 a.k.a. “Pulga”; MOSES CHAVEZ, a.k.a. “Stranger”; RODRIGO FIGUEROA, a.k.a.
7 “Badger”; MIGUEL FUENTES, a.k.a. “Night Owl”; NOEL GONZALEZ, a.k.a. “Demon”;
8 OMAR HERNANDEZ, a.k.a. “Wicked”; EDUARDO HERRERA, a.k.a. “Spooky”; ADAN
9 LANDEROS; JOSE LUIS LOPEZ, a.k.a. “Kermit”; DANIEL LUNA, a.k.a. “Chico”;
10 ANGEL MIGUEL LUPERCIO, a.k.a. “Boxer”; SALVADOR MECINO; FERNANDO
11 NUNEZ; DANIEL RIVERA; RAUL SAUCEDO, a.k.a. “Sniper”; and JUAN TEJEDA,
12 a.k.a. “Trigger / Chepe” shall appear before this Court on _____, 2001 at
13 __:00 a.m. in Department ____ to show cause why they, and the DIABLOS GANG, its
14 members, agents, servants, and employees, and all persons acting under, in concert with, or
15 for any of them, should not be enjoined and restrained from engaging in any of the following
16 activity in the “DIABLOS Safety Zones” and the “WESTSIDE Safety Zones. The
17 “DIABLOS Safety Zones” are: (1) the area bordered by the 150 block of N. Broadway
18 through the 800 block of N. Broadway to the West; the 100 block of E. Mission Ave.
19 through the 1600 block of E. Mission Ave. to the North; the 300 block of N. Rose St.
20 through the 800 block of N. Rose St. to the East; and the 100 block of E. Valley Parkway
21 through the 1600 block of E. Valley Parkway to the South; (2) the area bordered by the 500
22 block through the 600 block of N. Rose St. to the West; the 1600 block of E. Washington
23 through 1720 E. Washington to the North; 500 Begonia St. through 595 Begonia St. to the
24 East; and Escondido Creek (Flood Control Channel) between Rose St. and Begonia St. to the
25 South. The “WESTSIDE Safety Zones” are (1) Westside Park, located at 333 S. Spruce St.;
26 (2) the area bordered to the North by W. 4th Ave., between Upas St. and Escondido Blvd.; to
27 the South by West 15th Ave., between Upas St. and Escondido Blvd.; to the East by
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1 Escondido Blvd., between 4th and 11th Ave.; to the West by Upas St., between 4th and 15th
2 Ave.; (3) the 1500 and 1600 blocks of S. Orange Place. (See Exhibits A1-3, attached hereto)

3 a. **No Association:** Standing, sitting, walking driving, bicycling, gathering or
4 appearing anywhere in public view with any other defendant herein, or with any other known
5 DIABLOS gang member;

6 b. **Stay Away From Drugs:** Using illegal drugs in public, being under the
7 influence of drugs, in public;

8 c. **No Drug Possession or Sales:** (1) Participating in the possession and/or sale
9 of narcotics/drugs, including but not limited to heroin, methamphetamine, cocaine,
10 marijuana; (2) Possession of related drug paraphernalia, including but not limited to, rolling
11 papers or pipes used for illegal drug use;

12 d. **Stay Away From Alcohol:** (1) Drinking or possessing alcoholic beverages;
13 (2) Being under the influence of alcohol; (3) Knowingly remaining in the presence of anyone
14 possessing an open container of an alcoholic beverage; (4) Knowingly remaining in the
15 presence of anyone possessing an open container of an alcoholic beverage;

16 e. **No Guns or Dangerous Weapons:** (1) Possessing any weapons: firearms
17 including BB guns, pellet guns and replica guns, ammunition, knives, rocks, bottles,
18 sharpened screwdrivers, sticks, or any other instrument prohibited by Penal Code section
19 12020; (2) No possession of baseball bats or golf clubs without a legitimate purpose; (3)
20 Knowingly remaining in the presence of anyone who is in possession of such dangerous
21 weapons; (4) Knowingly remaining in the presence of such dangerous weapons;

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

24 g. **No Graffiti/Vandalism Tools:** Possessing marker pens, spray paint cans, nails,
25 razor blades, or other sharp objects capable of defacing private or public property;

26 h. **No Graffiti/Vandalism:** Spray painting, marking with marker pens,
27 scratching, applying stickers or otherwise applying graffiti on any public or private property,
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1 including but not limited to the street, alley, residences, block walls, vehicles and/or any
2 other real or personal property;

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

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

9 k. **No Shooting of Guns:** Discharging any firearm, including BB guns;

10 l. **No Intimidation:** In any manner confronting, intimidating, annoying,
11 harassing, threatening, challenging, provoking, assaulting and/or battering any residents or
12 patrons or visitors to the Safety Zones, or any other persons who are known to have
13 complained about gang activities;

14 m. **No Contraband in Cars:** Driving or possessing a vehicle found to have any
15 contraband, drugs, or illegal or deadly weapons;

16 n. **No Burglary Tools:** Possessing burglar tools with no legitimate purpose,
17 including rocks, slim jims, spark plugs, or any part of the spark plug, including the porcelain
18 casing, or other devices capable of being used to break into locked vehicles;

19 o. **No Acting as Lookouts:** Signaling to, whistling, or acting as a lookout for
20 other persons to warn of the approach of police officers;

21 p. **No Littering:** Littering in any public place or place open to public view;

22 q. **No Urinating in public:** Urinating on any public or private property open to
23 public view;

24 r. **No Gang Hand Signs:** Using physical gestures, or symbols, commonly known
25 as hand signs or engaging in other forms of communication which describe or refer to the
26 gang known as DIABLOS, including, but not limited to: using their forefinger and thumb to
27 form the letter "D"; forming the letter "E" by curling their index finger and thumb to form a
28 "C" and by raising the middle, ring and pinky together above the index finger; forming the

1 letter “E” by holding the thumb and index finger together and extending the remaining
2 fingers, and spreading them apart; forming the letter “V” by extending the index finger and
3 middle finger, and spreading them, like the peace sign;

4 s. **No Gang Clothes:** Wearing clothing or accessories, including necklaces,
5 which bear the name, initials, letters, numbers or other symbols of the gang known as
6 DIABLOS, including, but not limited to: “D”; “D’s”; “EVD”; “EVD1”; “Diablos”; “Diablos
7 Gang”; “DBLS”; “Devils”; “VEVXIII;” “VEVSURXIII”; “VEVX3”; “5 22 4”; and “13”;

8 t. **No Loud Noise:** No making or causing loud noise of any kind, including, but
9 not limited to, yelling and loud music at any time of the day or night, in violation of
10 Escondido Municipal Code section 17-204(a), (b); Escondido Municipal Code section
11 17-227(1) and (2);

12 u. **Juvenile Curfew:** If under the age of eighteen (18), being in a public place
13 between the hours of 10:00 p.m. on any day, and 6:00 a.m., of the following day, unless (1)
14 accompanied by a parent or legal guardian, or by a spouse eighteen (18) years of age or
15 older, or (2) performing an errand directed by a parent or legal guardian, or by a spouse
16 eighteen (18) years of age or older, or (3) returning directly home from a public meeting, or a
17 place of public entertainment, such as a movie, play, sporting event, dance or school activity,
18 or (4) actively engaged in some business, trade, professionalism, or occupation which
19 requires such presence;

20 **IT IS FURTHER ORDERED**, that pending a hearing on the previous order to show
21 cause, defendants ALONSO BAUTISTA, a.k.a. “Downer”; BONIFACIO BENITEZ; JOSE
22 BORJA, a.k.a. “Mr. Bashful”; ORLANDO BUENROSTRO, a.k.a. “Psycho”; ULYSSES
23 BUENROSTRO, a.k.a. “Pulga”; MOSES CHAVEZ, a.k.a. “Stranger”; RODRIGO
24 FIGUEROA, a.k.a. “Badger”; MARTIN FUENTES; MIGUEL FUENTES, a.k.a. “Night
25 Owl”; ALEJANDRO GARCIA, a.k.a. “Alex”; NOEL GONZALEZ, a.k.a. “Demon”;
26 OMAR HERNANDEZ, a.k.a. “Wicked”; EDUARDO HERRERA, a.k.a. “Spooky”; ADAN
27 LANDEROS; JOSE LUIS LOPEZ, a.k.a. “Kermit”; DANIEL LUNA, a.k.a. “Chico”;
28 ANGEL MIGUEL LUPERCIO, a.k.a. “Boxer”; SALVADOR MECINO; FERNANDO

1 NUNEZ; DANIEL RIVERA; RAUL SAUCEDO, a.k.a. “Sniper”; and JUAN TEJEDA,
2 a.k.a. “Trigger / Chepe”, the 300 and 400 and DIABLOS GANG, its members, agents,
3 servants, and employees, and all persons acting under, in concert with, or for any of them,
4 are hereby enjoined and restrained from engaging in or performing directly, or indirectly,
5 any of the following activity in the “DIABLOS Safety Zones” and the “WESTSIDE Safety
6 Zones. The “DIABLOS Safety Zones” are: (1) the area bordered by the 150 block of N.
7 Broadway through the 800 block of N. Broadway to the West; the 100 block of E. Mission
8 Ave. through the 1600 block of E. Mission Ave. to the North; the 300 block of N. Rose St.
9 through the 800 block of N. Rose St. to the East; and the 100 block of E. Valley Parkway
10 through the 1600 block of E. Valley Parkway to the South; (2) the area bordered by the 500
11 block through the 600 block of N. Rose St. to the West; the 1600 block of E. Washington
12 through 1720 E. Washington to the North; 500 Begonia St. through 595 Begonia St. to the
13 East; and Escondido Creek (Flood Control Channel) between Rose St. and Begonia St. to the
14 South. The “WESTSIDE Safety Zones” are (1) Westside Park, located at 333 S. Spruce St.;
15 (2) the area bordered to the North by W. 4th Ave., between Upas St. and Escondido Blvd.; to
16 the South by West 15th Ave., between Upas St. and Escondido Blvd.; to the East by
17 Escondido Blvd., between 4th and 11th Ave.; to the West by Upas St., between 4th and 15th
18 Ave.; (3) the 1500 and 1600 blocks of S. Orange Place. (See Exhibits A1-3, attached hereto)

19 a. **No Association:** Standing, sitting, walking driving, bicycling, gathering or
20 appearing anywhere in public view with any other defendant herein, or with any other known
21 DIABLOS gang member;

22 b. **Stay Away From Drugs:** Using illegal drugs in public, being under the
23 influence of drugs, in public;

24 c. **No Drug Possession or Sales:** (1) Participating in the possession and/or sale
25 of narcotics/drugs, including but not limited to heroin, methamphetamine, cocaine,
26 marijuana; (2) Possession of related drug paraphernalia, including but not limited to, rolling
27 papers or pipes used for illegal drug use;
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1 d. **Stay Away From Alcohol:** (1) Drinking or possessing alcoholic beverages;
2 (2) Being under the influence of alcohol; (3) Knowingly remaining in the presence of anyone
3 possessing an open container of an alcoholic beverage; (4) Knowingly remaining in the
4 presence of anyone possessing an open container of an alcoholic beverage;

5 e. **No Guns or Dangerous Weapons:** (1) Possessing any weapons: firearms
6 including BB guns, pellet guns and replica guns, ammunition, knives, rocks, bottles,
7 sharpened screwdrivers, sticks, or any other instrument prohibited by Penal Code section
8 12020; (2) No possession of baseball bats or golf clubs without a legitimate purpose; (3)
9 Knowingly remaining in the presence of anyone who is in possession of such dangerous
10 weapons; (4) Knowingly remaining in the presence of such dangerous weapons;

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

13 g. **No Graffiti/Vandalism Tools:** Possessing marker pens, spray paint cans, nails,
14 razor blades, or other sharp objects capable of defacing private or public property;

15 h. **No Graffiti/Vandalism:** Spray painting, marking with marker pens,
16 scratching, applying stickers or otherwise applying graffiti on any public or private property,
17 including but not limited to the street, alley, residences, block walls, vehicles and/or any
18 other real or personal property;

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

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

25 k. **No Shooting of Guns:** Discharging any firearm, including BB guns;

26 l. **No Intimidation:** In any manner confronting, intimidating, annoying,
27 harassing, threatening, challenging, provoking, assaulting and/or battering any residents or
28

1 patrons or visitors to the Safety Zones, or any other persons who are known to have
2 complained about gang activities;

3 m. **No Contraband in Cars:** Driving or possessing a vehicle found to have any
4 contraband, drugs, or illegal or deadly weapons;

5 n. **No Burglary Tools:** Possessing burglar tools with no legitimate purpose,
6 including rocks, slim jims, spark plugs, or any part of the spark plug, including the porcelain
7 casing, or other devices capable of being used to break into locked vehicles;

8 o. **No Acting as Lookouts:** Signaling to, whistling, or acting as a lookout for
9 other persons to warn of the approach of police officers;

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

11 q. **No Urinating in public:** Urinating on any public or private property open to
12 public view;

13 r. **No Gang Hand Signs:** Using physical gestures, or symbols, commonly known
14 as hand signs or engaging in other forms of communication which describe or refer to the
15 gang known as DIABLOS, including, but not limited to: using their forefinger and thumb to
16 form the letter “D”; forming the letter “E” by curling their index finger and thumb to form a
17 “C” and by raising the middle, ring and pinky together above the index finger; forming the
18 letter “E” by holding the thumb and index finger together and extending the remaining
19 fingers, and spreading them apart; forming the letter “V” by extending the index finger and
20 middle finger, and spreading them, like the peace sign;

21 s. **No Gang Clothes:** Wearing clothing or accessories, including necklaces,
22 which bear the name, initials, letters, numbers or other symbols of the gang known as
23 DIABLOS, including, but not limited to: “D”; “D’s”; “EVD”; “EVD1”; “Diablos”; “Diablos
24 Gang”; “DBLS”; “Devils”; “VEVXIII;” “VEVSURXIII”; “VEVX3”; “5 22 4”; and “13”;

25 t. **No Loud Noise:** No making or causing loud noise of any kind, including, but
26 not limited to, yelling and loud music at any time of the day or night, in violation of
27 Escondido Municipal Code section 17-204(a), (b); Escondido Municipal Code section
28 17-227(1) and (2);

1 u. **Juvenile Curfew:** If under the age of eighteen (18), being in a public place
2 between the hours of 10:00 p.m. on any day, and 6:00 a.m., of the following day, unless (1)
3 accompanied by a parent or legal guardian, or by a spouse eighteen (18) years of age or
4 older, or (2) performing an errand directed by a parent or legal guardian, or by a spouse
5 eighteen (18) years of age or older, or (3) returning directly home from a public meeting, or a
6 place of public entertainment, such as a movie, play, sporting event, dance or school activity,
7 or (4) actively engaged in some business, trade, professionalism, or occupation which
8 requires such presence;

9 **IT IS FURTHER ORDERED** that a copy of this order to show cause and temporary
10 restraining order be served on Defendants no later than _____, 2001.

11 DATED: _____

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15 Judge of the Superior Court
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