

**F I L E D**  
Clerk of the Superior Court

MAR 02 2004

BY: JEANNE SHELTON

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

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

v.

VARRIO POSOLE LOCOS, an unincorporated association; DAVID ARZOLA (a.k.a. "Dopey"); FRANKIE ARZOLA (a.k.a. "Midnight"); MIGUEL CASTILLO (a.k.a. "Loco"), ANGEL DEGUEROS (a.k.a. "Angel"); DAVID ENGLEBRECHT (a.k.a. "Trigger"); HECTOR FLORES (a.k.a. "Boxer"), ISMAEL FLORES (a.k.a. "Sleepy"), RAFAEL GARCIA (a.k.a. "Minor"), DANIEL HERNANDEZ (a.k.a. "D-Boy"); RODOLFO JIMENEZ (a.k.a. "Bat"), ANTONIO JUAREZ (a.k.a. "Tony"/ "Sporty"/ "P Nut"); FERNANDO JUAREZ (a.k.a. "Nando"/ "Bubba"); JOSEPH LOPEZ (a.k.a. "Snaps" / "Snappy"); ADAM MARTINEZ (a.k.a. "Lil' Flako" / "Flako 2"); RAUL MARTINEZ (a.k.a. "Chilo"), GERARDO MENDOZA (a.k.a. "Blackie"/ "Jerry"); VALENTINO MORENO (a.k.a. "Mugsy"/ "Val"), JOSE NOLASCO (a.k.a. "Garfield" / "Lil' Garfield"), ANGEL OLMOS (a.k.a. "Angel" / "Lil' Angel"), MICHAEL ORTIZ (a.k.a. "Mad Dog"), JESUS ROBLES (a.k.a. "Lil' Casper"); TOMAS SAINZ, JR. (a.k.a. "Poison"); FABIAN SERRATO (a.k.a. "Rambo"); ELIAS VELASCO (a.k.a. "Conejo"); JESSE VELASCO (a.k.a. "Indio"); and DOES 1 through 50,

Defendants.

No. GIN 033214

**JUDGMENT BY COURT AFTER  
DEFAULT FOR PERMANENT GANG  
INJUNCTION**

Date: March 2, 2004

Time: 9:00 a.m.

Dept: 1

Judge: Honorable K. Michael Kirkman

1 The application of Plaintiff, the People of the State of California, for a Permanent Injunction  
2 made herewith came on regularly for hearing by this Court on March 2, 2004. Plaintiff appeared by  
3 counsel Terri A. Perez, Deputy District Attorney. It appearing that defendants, the VARRIO  
4 POSOLE LOCOS GANG, an unincorporated association, and the twenty-five (25) defendants,  
5 DAVID ARZOLA (a.k.a. "Dopey"); FRANKIE ARZOLA (a.k.a. "Midnight"); MIGUEL  
6 CASTILLO (a.k.a. "Loco"), ANGEL DEGUEROS (a.k.a. "Angel"); DAVID ENGLEBRECHT  
7 (a.k.a. "Trigger"); HECTOR FLORES (a.k.a. "Boxer"), ISMAEL FLORES (a.k.a. "Sleepy"),  
8 RAFAEL GARCIA (a.k.a. "Minor"), DANIEL HERNANDEZ (a.k.a. "D-Boy"); RODOLFO  
9 JIMENEZ (a.k.a. "Bat"), ANTONIO JUAREZ (a.k.a. "Tony"/ "Sporty"/ "P Nut"); FERNANDO  
10 JUAREZ (a.k.a. "Nando"/ "Bubba"); JOSEPH LOPEZ (a.k.a. "Snaps" / "Snappy"); ADAM  
11 MARTINEZ (a.k.a. "Lil' Flako" / "Flako 2"); RAUL MARTINEZ (a.k.a. "Chilo"), GERARDO  
12 MENDOZA (a.k.a. "Blackie"/ "Jerry"); VALENTINO MORENO (a.k.a. "Mugsy"/ "Val"), JOSE  
13 NOLASCO (a.k.a. "Garfield" / "Lil' Garfield"), ANGEL OLMOS (a.k.a. "Angel" / "Lil' Angel"),  
14 MICHAEL ORTIZ (a.k.a. "Mad Dog"), JESUS ROBLES (a.k.a. "Lil' Casper"); TOMAS SAINZ,  
15 JR. (a.k.a. "Poison"); FABIAN SERRATO (a.k.a. "Rambo"); ELIAS VELASCO (a.k.a. "Conejo");  
16 JESSE VELASCO (a.k.a. "Indio"), having been regularly served with process, having failed to  
17 appear and answer the plaintiff's complaint filed on October 10, 2003, and the defaults of said  
18 defendants having been duly entered and evidence having been introduced in open session of this  
19 Court or having been considered by the Court:

20 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that the Permanent Gang  
21 Injunction shall be and hereby is granted and that plaintiff recover no monetary sum from the  
22 defendants.

23 **PERMANENT GANG INJUNCTION**

24 After due consideration of all papers filed in this action, including the moving papers and  
25 evidence submitted in support of plaintiff's motion for preliminary injunction, the deemed  
26 admissions of the defaulting defendants and the authorities presented by counsel, this Court makes  
27 the following finding of facts by clear and convincing evidence:

28 ///

1 (1) The VARRIO POSOLE LOCOS gang is a criminal street gang as defined in Penal Code  
2 §186.22, having as one of its primary activities the commission of acts constituting a public  
3 nuisance; (2) the conduct of defendant VARRIO POSOLE LOCOS gang and its members  
4 constitutes a public nuisance in the Safety Zones; (3) each of the following named defendants:  
5 DAVID ARZOLA (a.k.a. "Dopey"); FRANKIE ARZOLA (a.k.a. "Midnight"); MIGUEL  
6 CASTILLO (a.k.a. "Loco"), ANGEL DEGUEROS (a.k.a. "Angel"); DAVID ENGLEBRECHT  
7 (a.k.a. "Trigger"); HECTOR FLORES (a.k.a. "Boxer"), ISMAEL FLORES (a.k.a. "Sleepy"),  
8 RAFAEL GARCIA (a.k.a. "Minor"), DANIEL HERNANDEZ (a.k.a. "D-Boy"); RODOLFO  
9 JIMENEZ (a.k.a. "Bat"), ANTONIO JUAREZ (a.k.a. "Tony"/ "Sporty"/ "P Nut"); FERNANDO  
10 JUAREZ (a.k.a. "Nando"/ "Bubba"); JOSEPH LOPEZ (a.k.a. "Snaps" / "Snappy"); ADAM  
11 MARTINEZ (a.k.a. "Lil' Flako" / "Flako 2"); RAUL MARTINEZ (a.k.a. "Chilo"), GERARDO  
12 MENDOZA (a.k.a. "Blackie"/ "Jerry"); VALENTINO MORENO (a.k.a. "Mugsy"/ "Val"), JOSE  
13 NOLASCO (a.k.a. "Garfield" / "Lil' Garfield"), ANGEL OLMOS (a.k.a. "Angel" / "Lil' Angel"),  
14 MICHAEL ORTIZ (a.k.a. "Mad Dog"), JESUS ROBLES (a.k.a. "Lil' Casper"); TOMAS SAINZ,  
15 JR. (a.k.a. "Poison"); FABIAN SERRATO (a.k.a. "Rambo"); ELIAS VELASCO (a.k.a. "Conejo");  
16 JESSE VELASCO (a.k.a. "Indio") is a member of the VARRIO POSOLE LOCOS gang whose  
17 membership is more than passive, inactive or purely technical, and shall be referred to collectively at  
18 times hereafter as "VARRIO POSOLE LOCOS gang member"; (4) each named VARRIO POSOLE  
19 LOCOS gang member has been observed in the Safety Zone, and (5) each named VARRIO  
20 POSOLE LOCOS gang member is responsible in some manner for the nuisance complained of by  
the plaintiff.

21 **IT IS ORDERED, ADJUDGED AND DECREED** that defendants: DAVID ARZOLA  
22 (a.k.a. "Dopey"); FRANKIE ARZOLA (a.k.a. "Midnight"); MIGUEL CASTILLO (a.k.a. "Loco"),  
23 ANGEL DEGUEROS (a.k.a. "Angel"); DAVID ENGLEBRECHT (a.k.a. "Trigger"); HECTOR  
24 FLORES (a.k.a. "Boxer"), ISMAEL FLORES (a.k.a. "Sleepy"), RAFAEL GARCIA (a.k.a.  
25 "Minor"), DANIEL HERNANDEZ (a.k.a. "D-Boy"); RODOLFO JIMENEZ (a.k.a. "Bat"),  
26 ANTONIO JUAREZ (a.k.a. "Tony"/ "Sporty"/ "P Nut"); FERNANDO JUAREZ (a.k.a. "Nando"/  
27 "Bubba"); JOSEPH LOPEZ (a.k.a. "Snaps" / "Snappy"); ADAM MARTINEZ (a.k.a. "Lil' Flako" /  
28 "Flako 2"); RAUL MARTINEZ (a.k.a. "Chilo"), GERARDO MENDOZA (a.k.a. "Blackie"/  
"Jerry"); VALENTINO MORENO (a.k.a. "Mugsy"/ "Val"), JOSE NOLASCO (a.k.a. "Garfield" /

1 “Lil’ Garfield”), ANGEL OLMOS (a.k.a. “Angel” / “Lil’ Angel”), MICHAEL ORTIZ (a.k.a. “Mad  
2 Dog”), JESUS ROBLES (a.k.a. “Lil’ Casper”); TOMAS SAINZ, JR. (a.k.a. “Poison”); FABIAN  
3 SERRATO (a.k.a. “Rambo”); ELIAS VELASCO (a.k.a. “Conejo”); JESSE VELASCO (a.k.a.  
4 “Indio”) and the VARRIO POSOLE LOCOS gang, its members, agents, servants, and employees,  
5 and all persons acting under, in concert with, or for any of them, are hereby enjoined and restrained  
6 from engaging in or performing directly, or indirectly, any of the following activity in the Safety  
7 Zone. The “POSOLE SAFETY ZONE” is as follows: the area which is bordered by State Route 76  
8 to the North; Poplar Rd., connecting to N. Carey Rd. down to Mission Ave. to the East; Mission  
9 Ave. to the South; and Interstate 5 to the West, and extending 100 yards to the outside of each of  
10 those boundary streets. The “POSOLE SAFETY ZONE” includes both sides of the streets listed  
11 above, as well as any alleys, blocks, driveways, parking lots, structures, and businesses located  
12 thereon. Also, any canyons within these boundaries are included in the “POSOLE SAFETY  
ZONE.” (See Exhibit A attached hereto.)

13 a. **No Association:** Standing, sitting, walking, driving, bicycling, gathering or appearing  
14 anywhere in public view with any other defendant herein, or with any other known VARRIO  
15 POSOLE LOCOS gang member;

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

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

22 d. **Stay Away From Alcohol In Public:** (1) Drinking or possessing alcoholic beverages  
23 in public; (2) being under the influence of alcohol in public; (3) knowingly remaining in the presence  
24 of anyone possessing an open container of an alcoholic beverage in public; (4) knowingly remaining  
25 in the presence of an open container of an alcoholic beverage in public;

26 e. **No Guns or Dangerous Weapons:** (1) Possessing any weapons: firearms including  
27 BB guns, pellet guns and replica guns, ammunition, knives, rocks, bottles, sharpened screwdrivers,  
28 sticks, or any other instrument prohibited by Penal Code section 12020; (2) no possession of baseball

1 bats or golf clubs without a legitimate purpose; (3) knowingly remaining in the presence of anyone  
2 who is in possession of such dangerous weapons; (4) knowingly remaining in the presence of such  
3 dangerous weapons;

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

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

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

12 i. **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 owner's agent, or the person in lawful possession of the property;

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

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

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

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

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

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

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

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

3 r. **No Gang Hand Signs:** Using words, phrases, physical gestures, or symbols  
4 commonly known as hand signs which describe or refer to the gang known as Posole, such as:  
5 placing the thumb and any other finger together to form an "O" and extending any other finger or  
6 fingers to form a "P"; separating and two fingers to form a "V"; placing the elbows together to form  
7 a "V"; placing the hand of one arm on any part of the other arm to form a "P"; placing the hands,  
8 with the fingers forming a half-circle, on top of each other to form the letter "S";

9 s. **No Gang Clothes:** Wearing clothing or accessories, including necklaces or belt  
10 buckles, which bear the name, initials, letters, numbers or other symbols of the gang known as the  
11 POSOLE, including, but not limited to: "Posole"; "Posoles"; "P"; "PT"; "M"; "Eme"; "Varrío  
12 Posole"; "Varrío Posole Locos"; "Varrío Posole Loco"; "Posole Town"; "VP"; "VPL"; "VPLS";  
13 "13"; "20"; "13 20"; "16"; "16 20"; "22"; "22 16"; "22 16 12"; "22 16 12"; "22 16 22 19";

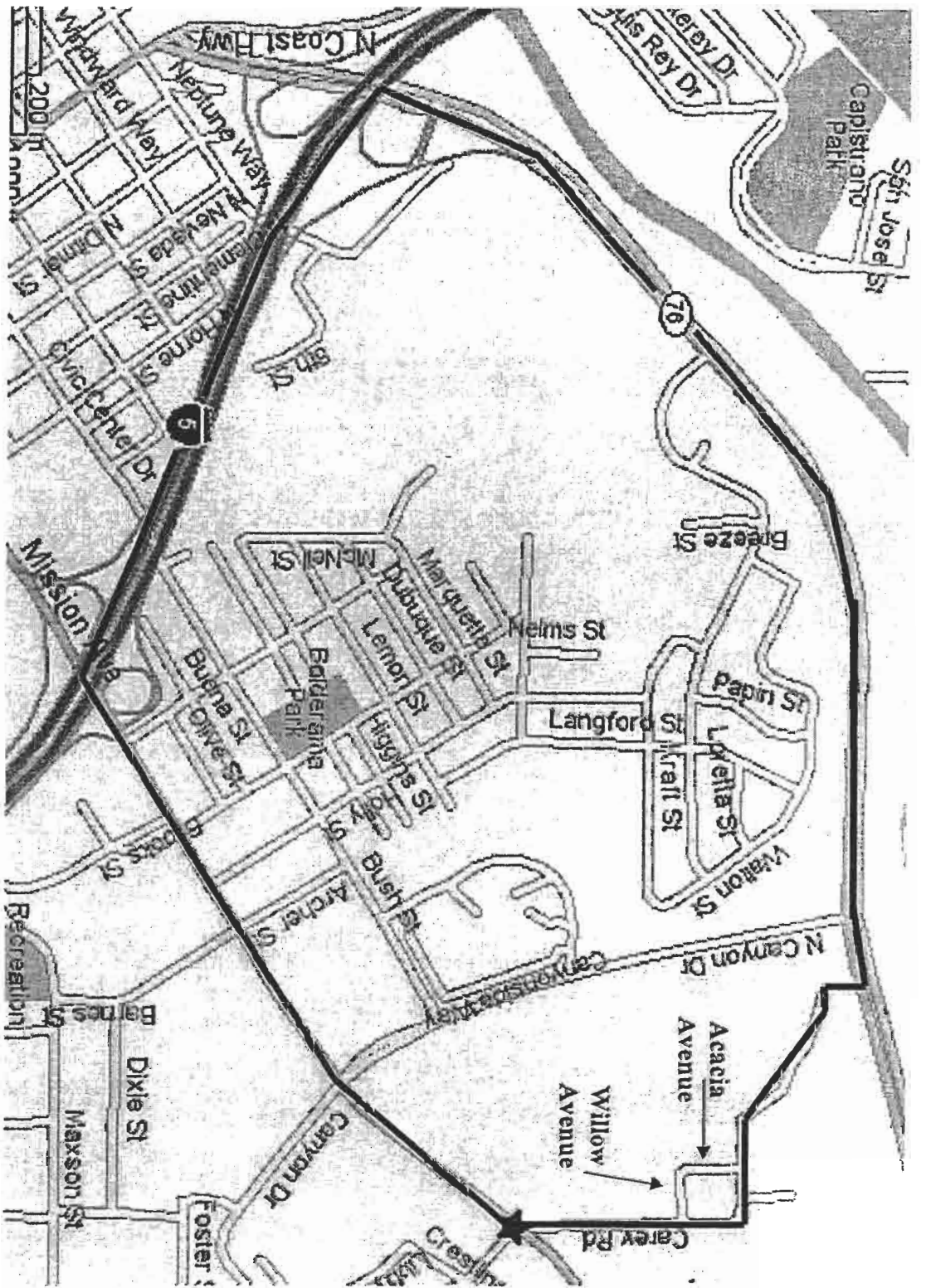
14 t. **No Loud Noise:** Making, or causing loud noise of any kind, including, but not  
15 limited to, yelling and loud music at any time of the day or night, in violation of Oceanside  
16 Municipal Code §§ 38 et seq. ;

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

24 DATED: MAR 02 2004

26 /s/ K. Michael Kirkman, Judge  
27 Judge of the Superior Court

# EXHIBIT A



# POSOLE SAFETY ZONE