

STATE OF MINNESOTA

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

The City of Saint Paul, Minnesota, by and through its City Attorney, John J. Choi,

Court File No.: 62-CV-09-3113

Plaintiff,

**ORDER GRANTING
TEMPORARY INJUNCTION**

v.

Sureño 13, a criminal gang, sued as an unincorporated association

Defendant.

THE STATE OF MINNESOTA TO THE ABOVE-NAMED DEFENDANT, INCLUDING ALL OF THE INDIVIDUALS IDENTIFIED ON ATTACHMENTS A AND A-1 ATTACHED HERETO:

The above-entitled matter came on before hearing on April 24, 2009, before the undersigned Judge of the above-named Court on Plaintiff's Notice of Motion and Motion for A Temporary Injunction. City Attorney John J. Choi and Assistant City Attorneys John T. Kelly and Yamy Vang, appeared for Plaintiff. All other appearances if any are as noted on the record.

Plaintiff filed a Complaint seeking to abate a public nuisance against Defendant and its named members identified on Attachments A and A-1 attached hereto, pursuant to Minnesota Statute §§617.91 - 617.97, often commonly referred to as the "Minnesota civil gang injunction law." The Plaintiff's Complaint requests among other things, that this Court enjoin the Defendant and its members identified on Attachment A and A-1 hereto,

from engaging in the activities set forth in this Order, from 4:00 P.M. (C.D.T.) on May 1, 2009 to 6:00 A.M. (C.D.T.) on May 3, 2009, within that certain geographic area depicted on the map attached hereto as Attachment B (hereinafter referred to as the "Safety Zone")

After due consideration of all papers and pleadings filed in this action, including affidavits and other evidence submitted, and arguments of counsel, if any, the Court hereby makes the following:

I. FINDINGS OF FACT

1. That Defendant is an unincorporated association of two or more persons using a common name pursuant to Minn. Stat. §540.151.
2. That Defendant and all of the persons identified on Attachments A and A-1, attached hereto, have been properly and timely served with notice of all of Plaintiff's pleadings and related papers hereto, including notice of this hearing, as required by the Minnesota Rules of Civil Procedure.
3. That Defendant is a "criminal gang" as that term is defined in Minn. Stat. §617.91, Subdivision 3.
4. That all of the persons identified on Attachment A and A-1, attached hereto, are active, present members of Defendant.
5. That Defendant has "continuously and regularly" engaged in "gang activities" as those respective terms are defined in Minn. Stat. §617.91, Subdivisions 2 and 3, both within and outside of the Safety Zone.
6. That Defendant significantly increases its criminal gang activities within the Safety Zone during the annual Cinco de Mayo community festival ("Cinco"). That all of

the persons identified on Attachment A and A-1, attached hereto, are the most active and influential in Defendant's criminal gang activities within Saint Paul. Because of their influence and status within the Defendant's organization, these individuals pose the greatest threat of organizing and/or leading the Defendant's collective criminal gang activities during Cinco.

7. That Cinco will be held between 4:00 P.M. (C.D.T.) on May 1, 2009 to 6:00 P.M. (C.D.T.) on May 2, 2009.

8. Even though the event itself concludes at 6:00 P.M. (C.D.T.) on May 2, 2009, the Defendant will typically remain in the Safety Zone either on public streets and sidewalks, private houses or taverns for many hours after the event seeking opportunities to confront its criminal gang rivals. The Defendant will also often use these hours following the conclusion of Cinco to conduct its criminal activities, including seeking physical confrontation with its criminal gang rivals. Accordingly, from a public safety perspective, the effective conclusion of Cinco must include a reasonable period following the conclusion of the event itself, so as to allow all of the attendees, including members of the Sureño to reasonably and safely disperse from the Safety Zone.

II. CONCLUSIONS OF LAW; ORDER

1. That Plaintiff has established by a preponderance of the evidence that Defendant including all of the persons identified on Attachment A and A-1, attached hereto, constitutes a "public nuisance" pursuant to Minn. Stat. §617.92, Subdivision 1.

2. That the Minnesota civil gang injunction law explicitly authorizes injunctive relief to abate the public nuisance created by Defendant and all of the persons identified on Attachment A and A-1, attached hereto.

3. That an injunction limiting the gang behavior and social interaction by the Defendant, including all of the persons identified on Attachment A and A-1, attached hereto, is necessary so as to reduce the opportunity for gang activity within the Safety Zone both during Cinco and for the twelve hours thereafter.

ACCORDINGLY, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. All of the persons identified on Attachment A and A-1, attached hereto (hereinafter said persons shall be collectively referred to as the “Enjoined Persons,” or singularly as an “Enjoined Person”) are enjoined, prohibited and restrained from engaging in or performing directly or indirectly, any of the following activities in the Safety Zone, between 4:00 P.M. (C.D.T.) on May 1, 2009 and 6:00 A.M. (C.D.T.) on May 3, 2009:

a. **No Association With Known Criminal Gang Members:**

Associating, standing, sitting, walking, driving, bicycling, gathering or appearing, anywhere in public view or any place accessible to the public, with any and all of the Enjoined Persons, or with any other person known to be a member of the Defendant criminal gang known as the Sureño 13, but not including: (1) when all such described individuals are inside a state licensed school attending class, or participating in an official state licensed school activity supervised by a school official; and (2) when all such

