



COUNTY OF YOLO
OFFICE OF THE DISTRICT ATTORNEY
JEFF W. REISIG, DISTRICT ATTORNEY

301 SECOND STREET - WOODLAND, CALIFORNIA 95695 - 530.666.8180 - FAX 530.666.8185

FOR IMMEDIATE RELEASE

Date: March 12, 2010 **Contact:** Jonathan Raven, Assistant Chief Deputy DA
Phone: (530) 666-8092/jonathan.raven@yolocounty.org

WEST SACRAMENTO GANG INJUNCTION UPHELD

(Woodland, CA) March 12, 2010 - Yolo County District Attorney Jeff Reisig announced today that California's Third District Court of Appeal has upheld the preliminary Gang Injunction against the Broderick Boys street gang in West Sacramento. The preliminary injunction issued by Yolo judge Kathleen White restricts certain activities of gang members in a defined area within West Sacramento called the "Safety Zone." The preliminary injunction acts as a temporary remedy until the trial is concluded, but carries the same terms as the proposed permanent injunction sought by the District Attorney. In a published opinion, the court concluded that "sufficient, credible evidence support's the trial court's conclusion that the Broderick Boys is a criminal street gang whose activities have created a public nuisance in the designated area."

The court supported its conclusion with a 44 page published opinion detailing the facts and an analysis of current law regarding nuisance and gang injunctions. The opinion was released on March 8, 2010. While the court found two provisions of the preliminary injunction to be too vague to enforce, the court was not persuaded by defense challenges to the non-association clause, the trespassing clause, and the 10:00 p.m. to 6:00 a.m. curfew. Furthermore, the court left open the ability for District Attorney's Office to request the trial court to amend the vague provisions, so that they may be enforced.

In analyzing the arguments of defendants, represented by the Law Offices of Mark Merin, the court found that defendants both understated the threat of the gang and defendants "overstate[d] the harm they [gang members] will suffer from granting the interim relief." The court concluded, "[t]here is nothing 'imagined' in the harm the residents of the Safety Zone are likely to suffer if the preliminary injunction were not issued." In response to the defense claim that the gang does not exist, the court summarized the evidence offered by the District Attorney, including the turf, signs and symbols of the gang, violent crimes committed by the gang and its organizational structure. "We fail to see what it is defendants find deficient in the foregoing showing," the court concluded.

A complete copy of the published opinion may be found online at <http://www.courtinfo.ca.gov/opinions/documents/C059375.DOC>

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