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ANN BRICK (State Bar No. 65296)
2 JORY C. STEELE (State Bar No. 206944)
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6 Attorneys for Specially Appearing Movants
KEITH EDWARDS, BENJAMIN JUAREZ,
7 JASON SWEARENGIN AND ANGELO VELAZQUEZ

8 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 IN AND FOR THE CITY AND COUNTY OF YOLO

10

11 PEOPLE OF THE STATE OF
CALIFORNIA, *ex rel.* David C.
12 Henderson as the District Attorney for
the County of Yolo,

13 Plaintiff,

14 vs.

15 BRODERICK BOYS aka BRK aka
16 BSK aka NORTENO aka NORTE aka
XIV, an unincorporated association,

17 Defendants.
18

Case No. CV04-2085

**DECLARATION OF KEITH EDWARDS IN
SUPPORT OF MOTION TO SET ASIDE
DEFAULT AND DEFAULT JUDGMENT
GRANTING PERMANENT INJUNCTION**

Code Civ. Proc. § 473(d)

Date: September 27, 2005
Time: 8:30 a.m.
Dept.: Dept. 11
Judge: Honorable Thomas E. Warriner
Complaint Filed: December 30, 2004

19 I, Keith Edwards, declare as follows:

20 1. I have personal knowledge of most of the matters set forth herein, and could and
21 would testify thereto if called upon to do so. All other matters set forth herein are based on
22 information and belief. I submit this Declaration in support of the Motion to Set Aside the
23 Judgment.

24 2. I am 20 years old and I have lived in West Sacramento for my entire life. My wife
25 and I currently rent an apartment in West Sacramento, within the "Safety Zone" outlined by the
26 Permanent Injunction with which I was served in February 2005. Many of my relatives also live
27 in the same apartment complex and within the "Safety Zone."
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1 3. I currently have a full-time job with a building products company in Woodland. I
2 am the sole financial provider for my wife and five children.

3 4. I have lived in the same apartment for approximately two years and my California
4 ID card reflects my current address.

5 5. On or about February 9, 2005, a number of police and SWAT officers arrived at
6 my apartment after my wife and I left to go grocery shopping. When my relatives informed me
7 that the police were at our apartment, my wife and I returned to talk with the police officers. The
8 police searched each room of our apartment and served me with the Permanent Injunction. When
9 I was served with the injunction, I was not given a list of everyone who is subject to the
10 injunction, nor did the police tell me what criteria they were using to determine who is a
11 "Broderick Boy." ^{THE POLICE STATED) THAT THEY WERE SERVING THE WHOLE}
^{NEIGHBORHOOD) WITH THE PERMANENT}

12 6. In March 2005, I picked my wife up from work after her shift ended at ^{INJUNCTION}
13 approximately midnight. My wife does not have a driver's license so when she was working, I
14 was responsible for picking her up from work every night. On the drive home, we were stopped
15 by the police because the car I recently purchased from the tow yard did not yet have license
16 plates. I did, however, have the required paperwork and I presented it to the officers. At the
17 time, I had just gotten out of bed, and I was wearing a red sweatshirt, flip-flops, and thin pajama
18 pants with a Budweiser logo and the number "8" on them. My wife gave me the pajama pants as
19 a gift because I am a fan of Dale Earnhardt, Jr., a NASCAR driver with the No. 8 car sponsored
20 by Budweiser. I was planning to go back to sleep before I had to leave for work at approximately
21 3:00 a.m.

22 7. The police officers arrested me for violating the gang injunction's curfew and took
23 me to the West Sacramento Police Department and then the Yolo County Jail. ^{*} I was not released
24 from jail until approximately 4:00 a.m.; and I had no way to get home and no money to call for a
25 ride. The jail personnel would not allow me to use their telephone, so I walked down the street to
26 a service station. The service station agent allowed me to use the service station's phone to call
27 for a ride. Because of the time I was released and the clothes I was wearing, I could not go to
28 work. I was nervous to go home, because I would have to enter the "Safety Zone" before the

1 curfew set forth in the Permanent Injunction would be lifted at dawn. Since I missed work, I
2 received 3 demerits. If I receive 12 demerits in a year, I will be fired.

3 8. Due to my arrest I am facing sixty days in the Yolo County Jail as well as one year
4 probation for violating the gang injunction. I am the sole financial support for my family and I
5 worry about how I will care for my family during those sixty days.

6 9. I typically go to work before dawn, so I am nervous that I will be arrested on my
7 way to work (as I live within the "Safety Zone") for violating the gang injunction's curfew.

8 10. Prior to being served with the final Permanent Injunction in February 2005, I
9 received no notice that the District Attorney was seeking an injunction. I also received no notice
10 of the Preliminary Injunction or the Application for the Preliminary Injunction.

11 11. Had I received advanced notice of the proceedings, and understood that the
12 District Attorney believed that the injunction would apply to me, I would have made immediate
13 efforts to contact an attorney so I could have been represented by counsel during any legal
14 proceedings.

15 12. Had I merely received notice of the proceedings, however, without being informed
16 that the District Attorney believed they would apply to me, I would not have understood that the
17 injunction sought by the District Attorney applied to me.

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1 I declare under penalty of perjury under the laws of the State of California that the
2 foregoing is true and correct. Executed this 25TH day of July, 2005, in West Sacramento, California.

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4 Keith D. Edwards
5 KEITH EDWARDS

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7 * THE POLICE OFFICER STATED) THAT BECAUSE BILLY WOLFINGTON
8 DID NOT COME TO COURT TO ACCEPT HIS INJUNCTION,
9 THE JUDGE PUT THE INJUNCTION ON THE ENTIRE NEIGHBORHOOD).

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ANN BRICK (State Bar No. 65296)
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10 IN AND FOR THE CITY AND COUNTY OF YOLO

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12 PEOPLE OF THE STATE OF
CALIFORNIA, *ex rel.* David C.
13 Henderson as the District Attorney for
the County of Yolo,

14 Plaintiff,

15 vs.

16 BRODERICK BOYS aka BRK aka
17 BSK aka NORTENO aka NORTE aka
XIV, an unincorporated association,

18 Defendant.
19

Case No. CV04-2085

**DECLARATION OF ANGELO VELAZQUEZ
IN SUPPORT OF THE MOTION TO SET
ASIDE DEFAULT AND DEFAULT
JUDGMENT GRANTING PERMANENT
INJUNCTION**

Code Civ. Proc. § 473(d)

Date: September 27, 2005
Time: 8:30 a.m.
Dept.: Dept. 11
Judge: Honorable Thomas E. Warriner
Complaint Filed: December 30, 2004

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1 I, Angelo Velazquez, declare as follows:

2 1. I have personal knowledge of most of the matters set forth herein, and could and
3 would testify thereto if called upon to do so. All other matters set forth herein are based on
4 information and belief. I submit this Declaration in support of the Motion to Set Aside the
5 Judgment.

6 2. I am 29 years old and I currently rent a house in West Sacramento within the
7 "Safety Zone" outlined by the Permanent Injunction. My girlfriend, Maria Gonzalez, and my two
8 children also live with me.

9 3. I currently work full-time as a purchaser for Valspar, a paint company. I also
10 attend Sacramento City College part-time where I am studying Communications.

11 4. In addition to working full-time and being a part-time student, I also coach my
12 son's t-ball team during t-ball season.

13 5. I have lived at my current address since November 2001, and I have been
14 employed at my current job since July 1999. I was on probation in Yolo County until
15 approximately January 2002, for an offense committed in 1998. While on probation, I informed
16 my probation officer of my current home address. During my probation, I was also registered as a
17 drug offender with the West Sacramento Police Department. As part of this registration, the West
18 Sacramento Police Department had my current home address.

19 6. I have had no convictions, arrests, or interactions with the police since 1998.

20 7. At around 10:30 a.m. on February 9, 2005, while I was at work, I understand that
21 several armed police officers wearing "SWAT" vests surrounded my home. I understand that Ms.
22 Gonzalez was at home at the time, and the officers asked for me. I understand that Ms. Gonzalez
23 told them that I was at work, and the police told her to tell me to come to the police station,
24 although they would not tell her what it was about.

25 8. After Ms. Gonzalez called me at work on February 9, 2005 to deliver the message,
26 I immediately left work and went to the police station as requested. There, I was served with the
27 Permanent Injunction.

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1 9. Prior to being served with the final Permanent Injunction on February 9, 2005, I
2 received no notice that the District Attorney was seeking an injunction. I had also received no
3 notice of the Preliminary Injunction or the Application for the Preliminary injunction.

4 10. Had I received advance notice of the proceedings, and understood that the District
5 Attorney believed that the injunction would apply to me, I would have made immediate efforts to
6 contact an attorney so I could have been represented by counsel during any legal proceedings.

7 11. Had I merely received notice of the proceedings, without being informed that the
8 District Attorney believed they would apply to me, I would not have understood that the
9 injunction sought by the District Attorney applied to me.

10 12. Indeed, after I was served with the Permanent Injunction, I made immediate efforts
11 to seek legal assistance. As a part of these efforts, it is my understanding that Ms. Gonzalez
12 contacted the American Civil Liberties Union of Northern California on my behalf. As a result,
13 they currently represent me in this matter.

14 13. I am especially concerned because I do not know everyone who is covered by the
15 Permanent Injunction: When I was served, I was not given a list of everyone who is covered, nor
16 did the police tell me what criteria they were using to designate who is a "Broderick Boy."

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 22 day of July, 2005, in West Sacramento, California.



ANGELO VELAZQUEZ

1 ALAN L. SCHLOSSER (State Bar No. 49957)
ANN BRICK (State Bar No. 65296)
2 JORY C. STEELE (State Bar No. 206944)
AMERICAN CIVIL LIBERTIES UNION
3 FOUNDATION OF NORTHERN CALIFORNIA
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VELAZQUEZ
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9 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 IN AND FOR THE CITY AND COUNTY OF YOLO

11 PEOPLE OF THE STATE OF
12 CALIFORNIA, *ex rel.* David C.
Henderson as the District Attorney for
13 the County of Yolo,

14 Plaintiff,

15 vs.

16 BRODERICK BOYS aka BRK aka
17 BSK aka NORTENO aka NORTE aka
XIV, an unincorporated association,

18 Defendant.
19

Case No. CV04-2085

**DECLARATION OF JASON SWEARENGIN
IN SUPPORT OF THE MOTION TO SET
ASIDE DEFAULT AND DEFAULT
JUDGMENT GRANTING PERMANENT
INJUNCTION**

Code Civ. Proc. § 473(d)

Date: September 27, 2005
Time: 8:30 a.m.
Dept.: Dept. 11
Judge: Honorable Thomas E. Warriner
Complaint Filed: December 30, 2004

20 I, Jason Swearengin, declare as follows:

21 1. I have personal knowledge of most of the matters set forth herein, and could and
22 would testify thereto if called upon to do so. All other matters set forth herein are based on
23 information and belief. I submit this Declaration in support of the Motion to Set Aside the
24 Judgment.

25 2. I am 25 years old and I currently rent an apartment in West Sacramento within the
26 "Safety Zone" outlined by the Permanent Injunction with which I was served in February 2005.
27 My parents and other relatives also live within the "Safety Zone."
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JS 1 3. In May/June 200^A~~5~~, I represented myself in a family court action in which I sought
JS 2 custody of my ~~three~~^{ONE}-year old son, Jason. After a number of court appearances and a court-
JS 3 ordered drug test, on June 3, 200^A~~3~~, this Court granted me sole custody of my son.

JS 4 4. I currently work full-time for Raley's Freezer; ~~where~~ I have worked for *RALEY'S*
JS 5 ~~approximately one and a half years.~~ *SINCE OCTOBER 2003.*

6 5. I have been on parole for a drug-related offense since April 2003. I have been on
7 probation since December 2003; and it was reduced to informal probation in August 2004.
8 During this time, I have informed my parole officer, Agent Koleda, and the Probation Department
9 of my current home address and where I was working.

10 6. On the morning of February 9, 2005, it is my understanding that police officers
11 contacted my parole officer to confirm my home and work addresses for service of the Permanent
12 Injunction.

13 7. On or about February 9, 2005, a number of police and SWAT officers arrived at
14 my workplace. I was paged over the office's loudspeaker system and directed to go to the
15 conference room. In the conference room, which has glass walls, the police and SWAT officers
16 confronted me. They served me with the Permanent Injunction and directed me to the remove my
17 shirt so they could photograph my tattoos. I did what the officers told me to do.

18 8. Prior to being served with the final Permanent Injunction on February 9, 2005, I
19 received no notice that the District Attorney was seeking an injunction. I had also received no
20 notice of the Preliminary Injunction or the Application for the Preliminary Injunction.

21 9. Had I received advanced notice of the proceedings, and understood that the
22 District Attorney believed that the injunction would apply to me, I would have made immediate
23 efforts to contact an attorney so I could have been represented by counsel during any legal
24 proceedings.

25 10. Had I merely received notice of the proceedings, however, without being informed
26 that the District Attorney believed they would apply to me, I would not have understood that the
27 injunction sought by the District Attorney applied to me.

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1 11. Indeed, after I was served with the Permanent Injunction, I made immediate efforts
2 to seek legal assistance. The first person I met with was my parole officer. After an extensive
3 meeting with her, she told me she could not help me, but that I should seek legal assistance. She
4 also told me to stay away from the police, and not give them any reason to arrest me for violating
5 the injunction.

6 12. After I met with her, I spoke with a friend who had a lawyer. The lawyer's name
7 was Fidel Martinez. My friend told me that Mr. Martinez had advised him to wait until things
8 died down before pursuing further legal action.

9 13. Subsequently, I learned about the ACLU's concern about the situation from news
10 reports. I finally reached the attorneys at the ACLUNC through a friend of my father-in-law, who
11 had met with ACLU attorneys. She arranged a meeting with the attorneys. As a result, they
12 currently represent me in this matter.

13 14. I am particularly concerned about the Permanent Injunction because it does not list
14 everyone who is subject to it. When I was served, I was not given a list of everyone who is
15 covered, nor did the police tell me what criteria they were using to determine who is a "Broderick
16 Boy.

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 25TH day of July, 2005, in West Sacramento, California.



JASON SWEARENGIN

1 ALAN L. SCHLOSSER (State Bar No. 49957)
ANN BRICK (State Bar No. 65296)
2 JORY C. STEELE (State Bar No. 206944)
AMERICAN CIVIL LIBERTIES UNION
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Henderson as the District Attorney for
13 the County of Yolo,

14 Plaintiff,

15 vs.

16 BRODERICK BOYS aka BRK aka
BSK aka NORTENO aka NORTE aka
17 XIV, an unincorporated association,

18 Defendant.

Case No. CV04-2085

**DECLARATION OF BENJAMIN JUAREZ IN
SUPPORT OF THE MOTION TO SET ASIDE
DEFAULT AND DEFAULT JUDGMENT
GRANTING PERMANENT INJUNCTION**

Code Civ. Proc. § 473(d)

Date: September 27, 2005
Time: 8:30 a.m.
Dept.: Dept. 11
Judge: Honorable Thomas E. Warriner
Complaint Filed: December 30, 2004

19
20 I, Benjamin Juarez, declare as follows:

21 1. I have personal knowledge of most of the matters set forth herein, and could and
22 would testify thereto if called upon to do so. All other matters set forth herein are based on
23 information and belief. I submit this Declaration in support of the Motion to Set Aside the
24 Judgment.

25 2. I am 24 years old, and my wife and I recently purchased a home in West
26 Sacramento where we live with our three-year old son. Our home is within the "Safety Zone"
27 outlined by the Permanent Injunction with which I was served in February 2005. My parents and
28 other relatives live close by, also within the "Safety Zone."

1 3. I am one of two managers at a garage door installation company where I have
2 worked for approximately four years. Prior to that, I was employed as a commercial air filter-
3 service person.

4 4. My juvenile probation was terminated successfully in 2003; it was terminated
5 approximately three years early because of my "good behavior." For approximately the first two
6 years I was on probation, I lived at my parents' home. I then moved to my own apartment for
7 approximately the last year. The Probation Office always knew where I was living.

8 5. On or about February 9, 2005, a number of police and SWAT officers arrived at
9 my parents' home to serve me with the Permanent Injunction. However, I had moved to my new
10 home in December 2004 and was at work when the police arrived. A few days later, the police
11 served me with the Permanent Injunction at my new home.

12 6. Although I complied with all conditions of my juvenile probation, and in fact was
13 released from probation early for "good behavior," the Permanent Injunction virtually imposes a
14 lifetime of probation conditions on me.

15 7. Prior to being served with the final Permanent Injunction, I received no notice that
16 the District Attorney was seeking an injunction. I had also received no notice of the Preliminary
17 Injunction or the Application for the Preliminary Injunction.

18 8. Had I received advanced notice of the proceedings, and understood that the
19 District Attorney believed that the injunction would apply to me, I would have made immediate
20 efforts to contact an attorney so I could have been represented by counsel during any legal
21 proceedings.

22 9. Had I merely received notice of the proceedings, however, without being informed
23 that the District Attorney believed they would apply to me, I would not have understood that the
24 injunction sought by the District Attorney applied to me.

25 10. After I was served with the Permanent Injunction, I spoke to well-educated family
26 members to see if they could help me, and to see if I could get a lawyer to help me. However,
27 because the case was already over, everyone believed that there was nothing I could do.

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11. After a few months had passed, a friend told me that he was going to meet with the ACLU of Northern California and suggested that I do the same. As a result, they currently represent me in this matter.

12. I am particularly concerned about the Permanent Injunction because it does not list everyone who is subject to it. When I was served, I was not given a list of everyone who is covered, nor did the police tell me what criteria they were using to determine who is a "Broderick Boy."

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this ___ day of July, 2005, in West Sacramento, California.


BEN JUAREZ