

CAUSE NO. 2014-00782

THE STATE OF TEXAS,
PLAINTIFFS

IN THE DISTRICT COURT OF

V.

THE BLOODS:

Antonio D. Adams, an Individual;
Demond R. Beal, an Individual;
Antoine D. Brooks, an Individual;
Keith Brown, an Individual;
Lavell Brown, an Individual;
Kimbel V. Carter, an Individual;
Steven F. Davis, an Individual;
Lawrence Ellis, an Individual;
Antonio Gipson, an Individual;
Todd Goodson, an Individual;
Dontreal D. Gross, an Individual;
Bobby Harris, an Individual;
Jonathan Heard, an Individual;
Deandre M. High, an Individual;
Joseph D. Holmes, an Individual;
Tyrone D. Jackson, an Individual;
Davonta J. Johnson, an Individual;
Willie Johnson, an Individual;
Homer King, an Individual;
Alton J. Lewis, an Individual;
Trevion Mason, an Individual;
Robert R. Moore, an Individual;
Donthelle L. Moreno, an Individual;
Nicholas Mosquera, an Individual;
Londun Mouring, an Individual;
Ricky J. Pete, an Individual;
Derek D. Pinnekins, an Individual;
Damon D. Polk, an Individual;
Dewaymon Potts, an Individual;
Ceron R. Raymond, an Individual;
Joseph Reynolds, an Individual;
Keon Richardson, an Individual;
Bill Roberson, an Individual;
Robert E. Smith, an Individual;
Lester Walker III, an Individual;
Quentin Wallace, an Individual; and
Willie Washington, an Individual

&

THE CRIPS:

Dewitt T. Arteberry, an Individual;
Tyrone Berry, an Individual;
Timothy Burks, an Individual;

164th JUDICIAL DISTRICT

HARRIS COUNTY, TEXAS

Gregory Caicedo, an Individual; §
Brandon Forbes, an Individual; §
Elroy K. Harrell, an Individual; §
Lewis H. Jacobs, an Individual; §
Freddrick Johnson, an Individual; §
Daniel Minex, an Individual; §
Paul A. Minex, an Individual; §
Darryl J. Perkins, an Individual; §
Francisco Riasco, an Individual; §
Emmet W. Shepherd, an Individual; §
Delton Sidney, an Individual; §
Derrick Leon Smith Jr., an Individual;
Jamarcus Walker, an Individual;
Jonathan P. Walker, an Individual.

DEFENDANTS

PLAINTIFF'S FIRST AMENDED PETITION; APPLICATION FOR TEMPORARY AND PERMANENT INJUNCTIONS; AND REQUEST FOR DISCLOSURE

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW the Plaintiff, State of Texas, by and through Vince Ryan, County Attorney of Harris County, Texas, and files this First Amended Petition and Application for Temporary & Permanent Injunctions against **The Bloods**, specifically Defendants Antonio D. Adams, Demond R. Beal, Antoine D. Brooks, Keith Brown, Lavell Brown, Kimbel V. Carter, Steven F. Davis, Lawrence Ellis, Antonio Gipson, Todd Goodson, Dontreal D. Gross, Bobby Harris, Jonathan Heard, Deandre M. High, Joseph D. Holmes, Tyrone D. Jackson, Davonta J. Johnson, Willie Johnson, Homer King, Alton J. Lewis, Trevion Mason, Robert R. Moore, Donthelle L. Moreno, Nicholas Mosquera, Londun Mouring, Ricky J. Pete, Derek D. Pinnekins, Damon D. Polk, Dewaymon Potts, Ceron R. Raymond, Joseph Reynolds, Keon Richardson, Bill Roberson, Robert E. Smith, Lester Walker III, Quentin Wallace, and Willie Washington, and **The Crips**, specifically Defendants Dewitt T. Arteberry, Tyrone Berry, Timothy Burks, Gregory Caicedo, Brandon Forbes, Elroy K. Harrell, Lewis H. Jacobs, Freddrick Johnson, Daniel Minex, Paul A. Minex, Darryl J. Perkins, Francisco Riasco, Emmet W. Shepherd, Delton Sidney,

Derrick Leon Smith Jr., Jamarcus Walker, and Jonathan P. Walker (Hereinafter “Defendants”).

In support thereof, Plaintiff would respectfully show the Court the following:

I. VENUE

1. This Court has jurisdiction and venue is proper in Harris County, Texas because all acts complained of occurred within Harris County and Defendants are believed to reside in Harris County, Texas.

II. THE PARTIES

2. Plaintiff is the State of Texas.

3. Defendants are as listed below and may be served with process at the following addresses or wherever found:

- Antonio D. Adams, 1000 Greens Rd. 1205, Houston, TX 77060
- Demond R. Beal, 9611 Grant Rd. Apt. 2813, Houston, TX 77070
- Antoine D. Brooks, 5202 Ricky St., Houston, TX 77033
- Keith Brown, 4612 Market St., Houston, TX 77020
- Lavell Brown, 5435 Osprey Dr., Houston, TX 77048
- Kimbel V. Carter, 5015 Aldine Bender Rd. Apt. 8102, Houston, TX 77032
- Steven F. Davis, 6918 Landor Lane, Houston, TX 77023
- Lawrence Ellis, 13707 Elise, Houston, TX 77047
- Antonio Gipson, 9002 Sterlingshire Apt. 2102, Houston, TX 77078
- Todd Goodson, 9390 F.M. 1960 W. Apt. 610, Humble, TX 77338
- Dontreal D. Gross, 7200 W. Gulf Bank Apt. 503, Houston, TX 77088
- Bobby Harris, 7800 N. Sam Houston Parkway #5202, Humble, TX 77396
- Jonathan Heard, 10200 Spice Lane Apt. 1316, Houston, TX 77072

- Deandre M. High, 4511 Pickfair, Houston, TX 77016
- Joseph D. Holmes, 5017 Cactus, Houston, TX 77026
- Tyrone D. Jackson, 5901 Selinsky Rd. Apt. 13, Houston, TX 77046
- Davonta J. Johnson, 737 Green Meadow Lane, Houston, TX 77091
- Willie Johnson, 5207 Rotan, Houston, TX 77032
- Homer King, 4502 Lockwood, Houston, TX 77026
- Alton J. Lewis, 2110 Brundage Dr. Apt 2801, Houston, TX 77090
- Trevion Mason, 700 Dunsen Glenn Dr., Houston, TX 77060
- Robert R. Moore, 4332 Plaag, Houston, TX 77016
- Donthelle L. Moreno, 8510 Farqueson, Houston, TX 77029
- Nicholas Mosquera, 6302 Calton Cove Circle, Houston, TX 77086
- Londun Mourning, 625 Wilson, Humble, TX 77396
- Ricky J. Pete, 5625 Yale St. Apt. 4, Houston, TX 77076
- Derek D. Pinnekins, 9555 Crofton, Houston, TX 77016
- Damon D. Polk, 8434 Rinn, Houston, TX 77078
- Dewaymon Potts, 5906 Aldine Bender Rd. Apt. 131, Houston, TX 77032
- Ceron R. Raymond, 15251 Golden Eagle, Humble, TX 77346
- Joseph Reynolds, 9393 Tidwell Apt. 912, Houston, TX 77078
- Keon Richardson, 7601 Curry Rd., Houston, TX 77093
- Bill Roberson, 14350 Rochelle, Houston, TX 77032
- Robert E. Smith, 955 Langwick, Houston, TX 77032
- Lester Walker III, 10950 Beaumont Highway, Houston, TX 77078
- Quentin Wallace, 5453 Rand St. #B, Houston, TX 77026

- Willie Washington, 832 W. Greens Rd. Apt. 83, Houston, TX 77067
- Dewitt T. Arteberry, 5915 Southville, Houston, TX 77033
- Tyrone Berry, 605 Berry, Houston, TX 77026
- Timothy Burks, 7215 Heath St., Houston, TX 77016
- Gregory Caicedo, 5526 Farley Dr., Houston TX 77022
- Brandon Forbes, 5619 Aldine Bender Rd. Apt. 4201, Houston, TX 77032
- Elroy K. Harrell, 5335 Aldine Bender Rd. Apt. 1004, Houston, TX 77032
- Lewis H. Jacobs, 6150 W. Tidwell Apt. 605, Houston, TX 77098
- Freddrick Johnson, 6523 Harmon, Houston, TX 77016
- Daniel Minex, 1610 Thornbrook Dr., Missouri City, TX 77489
- Paul A. Minex, 10300 Shady Ln., Houston, TX 77093
- Darryl J. Perkins, 6603 Hirsch Apt. 1406, Houston, TX 77026
- Francisco Riasco, 2702 Hardy, Houston, TX 77009
- Emmet W. Shepherd, 5621 Aldine Bender Rd. Apt. 4326, Houston, TX 77037
- Delton Sidney, 8114 Homewood, Houston, TX 77028
- Derrick Leon Smith Jr., 2110 Brundage Dr. Apt 3801, Houston, TX 77090
- Jamarcus Walker, 5620 Aldine Bender Rd., Houston, TX 77032
- Jonathan P. Walker, 5005 Aldine Mail Rt. Apt. 155, Houston, TX 77032

III. AUTHORITY FOR SUIT

4. Plaintiff, the State of Texas, by and through the County Attorney of Harris County, Texas is duly authorized by Section 125.064 of the Texas Civil Practice and Remedies Code to bring this suit to enjoin the public nuisance, under Section 125.062 of Texas Civil Practice and Remedies Code, created by the Defendants' membership in criminal street gangs, the CRIPS and

the BLOODS that continuously or regularly engage in the commission of gang activities. The Plaintiff seeks to enjoin the activities of the Defendants within the “East Aldine Safety Zone” (Hereinafter “Safety Zone”) whose boundaries are defined in paragraph (¶) 15 below.

5. Unless enjoined from engaging in gang activities within the Safety Zone, the Defendants will continue to operate for an indefinite period of time as a public nuisance. Injunctive relief is specifically permitted by Sections 125.064(a) and 125.065(a) of the Texas Civil Practice and Remedies Code.

6. Under Section 6.001 of the Texas Civil Practice and Remedies Code, no bond is required for the Plaintiff to bring suit and Plaintiff is not required to post a bond before issuance of temporary relief. Further, Section 125.064 of the Texas Civil Practice and Remedies Code provides that Plaintiff need not verify the allegations as set forth in this Original Petition, nor show any proof of personal injury by the acts of Defendants complained herein.

IV. THE BLOODS ARE A PUBLIC NUISANCE

7. Defendants Antonio D. Adams, Demond R. Beal, Antoine D. Brooks, Keith Brown Lavell Brown, Kimbel V. Carter, , Steven F. Davis, Lawrence Ellis, Antonio Gipson, Todd Goodson, Dontreal D. Gross, Bobby Harris, Jonathan Heard, Deandre M. High, Joseph D. Holmes, Tyrone D. Jackson, Davonta J. Johnson, Willie Johnson, Homer King, Alton J. Lewis, Trevion Mason, Robert R. Moore, Donthelle L. Moreno, Nicholas Mosquera, Londun Mouring, Ricky J. Pete, Derek D. Pinnekins, Damon D. Polk, Dewaymon Potts, Ceron R. Raymond, Joseph Reynolds, Keon Richardson, Bill Roberson, Robert E. Smith, Lester Walker III, Quentin Wallace, and Willie Washington are members of a criminal street gang known as the “Bloods,” as defined by Section 71.01(d) of the Texas Penal Code.

8. The Bloods are a criminal street gang comprised of three or more persons having a

common identifying sign or symbol or an identifiable leadership who continuously or regularly associate in the commission of criminal activities. The Bloods continuously and/or regularly engaged, at least five (5) times in a period of not more than twelve (12) months, in the commission of gang activities defined by 125.061(3) of the Texas Civil Practice and Remedies Code, within the Safety Zone. The Bloods' past and ongoing gang activities include:

- a. organized criminal activity as described by Section 71.02 of the Texas Penal Code;
- b. terroristic threat as described by Section 22.07 of the Texas Penal Code;
- c. criminal trespass as described by Section 30.05 of the Texas Penal Code;
- d. disorderly conduct as described by Section 42.01 of the Texas Penal Code;
- e. criminal mischief as described by Section 28.03 of the Texas Penal Code that causes a pecuniary loss of \$500 or more;
- f. graffiti offenses in violation of Section 28.08 of the Texas Penal code that: (i) causes a pecuniary loss of \$500 or more; or (ii) occurs at a school, an institution of higher education, a place of worship or human cemetery, a public monument; or a community center that provides medical, social, or educational programs;
- g. weapons offenses in violation of Chapter 46 of the Texas Penal Code; or
- h. unlawful possession of a substance or other item in violation of Chapter 481 of the Texas Health and Safety Code.

9. The Bloods are a public nuisance, pursuant to Section 125.062 of the Texas Civil Practice and Remedies Code, because of their continual and regular association in gang activities within the Safety Zone for which injunctive relief is specifically sought.

10. Specifically, Defendants Antonio D. Adams, Demond R. Beal, Antoine D. Brooks, Keith

Brown, Lavell Brown, Kimbel V. Carter, Steven F. Davis, Lawrence Ellis, Antonio Gipson, Todd Goodson, Dontreal D. Gross, Bobby Harris, Jonathan Heard, Deandre M. High, Joseph D. Holmes, Tyrone D. Jackson, Davonta J. Johnson, Willie Johnson, Homer King, Alton J. Lewis, Trevion Mason, Robert R. Moore, Donthelle L. Moreno, Nicholas Mosquera, Londun Mouring, Ricky J. Pete, Derek D. Pinnekins, Damon D. Polk, Dewaymon Potts, Ceron R. Raymond, Joseph Reynolds, Keon Richardson, Bill Roberson, Robert E. Smith, Lester Walker III, Quentin Wallace, and Willie Washington habitually associate with others to engage in gang activity as members of the Bloods criminal street gang, and each Defendant has committed gang activity, as defined by 125.061(3) of the Texas Civil Practice and Remedies Code, within the Safety Zone. Each Defendant is a party to this suit pursuant to Section 125.064(b) of the Texas Civil Practice and Remedies Code.

V. THE CRIPS ARE A PUBLIC NUISANCE

11. Defendants Dewitt T. Arteberry, Tyrone Berry, Timothy Burks, Gregory Caicedo, Brandon Forbes, Elroy K. Harrell, Lewis H. Jacobs, Freddrick Johnson, Daniel Minex, Paul A. Minex, Darryl J. Perkins, Francisco Riasco, Emmet W. Shepherd, Delton Sidney, Derrick Leon Smith Jr., Jamarcus Walker, and Jonathan P. Walker are members of a criminal street gang known as the “Crips,” as defined by Section 71.01(d) of the Texas Penal Code.

12. The Crips are a criminal street gang comprised of three or more persons having a common identifying sign or symbol or an identifiable leadership who continuously or regularly associate in the commission of criminal activities. The Crips continuously and/or regularly engaged, at least five (5) times in a period of not more than twelve (12) months, in the commission of gang activities defined by 125.061(3) of the Texas Civil Practice and Remedies Code, within the Safety Zone. The Crips’ past and ongoing gang activities include:

- a. organized criminal activity as described by Section 71.02 of the Texas Penal Code;
- b. terroristic threat as described by Section 22.07 of the Texas Penal Code;
- c. criminal trespass as described by Section 30.05 of the Texas Penal Code;
- d. disorderly conduct as described by Section 42.01 of the Texas Penal Code;
- e. criminal mischief as described by Section 28.03 of the Texas Penal Code that causes a pecuniary loss of \$500 or more;
- f. graffiti offenses in violation of Section 28.08 of the Texas Penal code that: (i) causes a pecuniary loss of \$500 or more; or (ii) occurs at a school, an institution of higher education, a place of worship or human cemetery, a public monument; or a community center that provides medical, social, or educational programs;
- g. weapons offenses in violation of Chapter 46 of the Texas Penal Code; or
- h. unlawful possession of a substance or other item in violation of Chapter 481 of the Texas Health and Safety Code.

13. The Crips are a public nuisance, pursuant to Section 125.062 of the Texas Civil Practice and Remedies Code, because of their continual and regular association in gang activities within the Safety Zone for which injunctive relief is specifically sought.

14. Specifically, Defendants Dewitt T. Arteberry, Tyrone Berry, Timothy Burks, Gregory Caicedo, Brandon Forbes, Elroy K. Harrell, Lewis H. Jacobs, Freddrick Johnson, Daniel Minex, Paul A. Minex, Darryl J. Perkins, Francisco Riasco, Emmet W. Shepherd, Delton Sidney, Derrick Leon Smith jr., Jamarcus Walker, and Jonathan P. Walker, habitually associate with others to engage in gang activity as members of the Crips criminal street gang, and each Defendant has committed gang activity, as defined by 125.061(3) of the Texas Civil Practice and

Remedies Code, within the Safety Zone. Each Defendant is a party to this suit pursuant to Section 125.064(b) of the Texas Civil Practice and Remedies Code.

VI. EAST ALDINE SAFETY ZONE

15. The Safety Zone is approximately 217 acres or .34 square miles within the following Boundaries:

Starting at the intersection of the Vickery Road and Aeropark Drive, and proceeding east to the entrance of the Timber Ridge Apartments; then following the Timber Ridge Apartments fence line north and then east around to its intersection with Harris County Flood Control District Tributary P133-04-00; then following Harris County Flood Control District Tributary P133-04-00 north to its intersection with Harris County Flood Control District Tributary P133-00-00; then proceeding east along the Harris County Flood Control District Tributary P133-00-00 until its intersection with Lee Road; then running south along Lee Road to Aldine Bender Road; then running west along Aldine Bender Road until its intersection with Vickery Road; and then running north along Vickery Road to the northwest corner of the safety zone at the intersection of Vickery Road and Aeropark Drive.

16. The Safety Zone as identified by the boundaries above, includes the following businesses:

- a. Timber Ridge Apartments, located at 5350 Aeropark Dr., Houston, Texas 77032;
- b. Haverstock Hills Apartments, located at 5619 Aldine Bender Rd., Houston, Texas 77032;
- c. Crosswind Apartment Homes, located at 14810 Crosswinds Blvd., Houston, Texas 77032;

- d. Costa Rialto Apartments, located at 5015 Aldine Bender Rd., Houston, Texas 77032;
- e. Sun Mart #442, located at 5623 Aldine Bender Rd., Houston, Texas 77032;
- f. Cricket #00005, located at 5627 Aldine Bender Rd., Houston, Texas 77032;
- g. Family Dollar Store #5828, located at 5625 Aldine Bender, Houston, Texas 77032;
- h. 1.25 Aldine Cleaners, located at 5627 Aldine Bender Rd., Houston, Texas 77032;
- i. Washeteria, located at 5627 Aldine Bender Rd., Houston, Texas 77032;
- j. Subway #00097, located at 5627 Aldine Bender Rd., Houston, Texas 77032;
- k. Postal, Etc #00003, located at 5627 Aldine Bender Rd., Houston, Texas 77032;
- l. Platinum Rx North Pharmacy, located at 5627 Aldine Bender Rd., Houston, Texas 77032;
- m. Lalla's Hair Braiding, located at 5627 Aldine Bender Rd., Houston, Texas 77032;
and/or
- n. Seafood Express, located at 5627 Aldine Bender Rd., Houston, Texas 77032.

17. The Safety Zone as identified by the boundaries above, also includes the following schools:

- Thomas B. Francis Elementary, located at 14815 Lee Rd., Houston, Texas 77032;
- A&W Academic Academy, located at 14520 Picton Dr., Houston, TX 77032.

VII. APPLICATION FOR TEMPORARY INJUNCTION

18. It is essential that the Court temporarily enjoin the Defendants herein from the acts

described above until the final trial on the merits of Plaintiff's case. The Defendants should be cited to appear and show cause why they should not be temporarily enjoined from any and all activity described in the following paragraph.

19. Plaintiff requests that Defendants be temporarily restrained within the boundaries of the Safety Zone from:

- a. Entering, remaining, appearing, sitting, walking, driving, bicycling, or being physically present;
- b. Associating, standing, sitting, walking, driving, bicycling, or gathering with any person who Defendant knows to be subject to an order enjoining gang activity, with any other individual who the Defendant knows is a member of the Crips and/or Bloods, or with another person who the Defendant knows to be a member of any other criminal street gang;
- c. Engaging in any conduct which violates the laws of the State of Texas, including gang activities as defined by the Texas Civil Practice and Remedies Code, Sec. 125.061;
- d. Being under the influence of alcoholic beverages or being under the influence of illegal drugs or drugs for which the Defendant does not have a valid prescription;
- e. Possessing alcoholic beverages or illegal drugs;
- f. Possessing any weapons including, but not limited to knives, clubs, firearms, baseball bats, glass bottles, rocks, hand grenades, smoke bombs or any other instrument prohibited by Chapter 46 of the Texas Penal Code;
- g. Fighting;

- h. Possessing indelible marker pens, aerosol paint, paint cans, nails, razor blades, screwdrivers, or other sharp objects which may be used to mark private or public property;
- i. Spray painting or otherwise marking graffiti on any public place or private property, including but not limited to the buildings, signs, streets, and surfaces of any other real or personal property;
- j. Communicating with or attempting to communicate with the occupants of any vehicle, other than through the lawful use of traffic signals;
- k. Obstructing or delaying the free flow of vehicular or pedestrian traffic;
- l. In any manner, confronting, intimidating, harassing, threatening, challenging, provoking, assaulting and/or battering any person;
- m. Causing or participating in the sale of illegal drugs or narcotics;
- n. Driving, riding about, or being an occupant of a vehicle;
- o. Using any type of electronic communication device, including all cell phones, mobile phones, pagers, walkie-talkies, tablets or smartphones;
- p. Preventing or interrupting the occupation or use of a building, room, or a public place;
- q. Harboring, concealing or warning another in order to evade a law enforcement officer;
- r. Signaling to, or acting as a lookout for other persons to warn of the approach of a law enforcement officer and/or encouraging others to do the same;

- s. Making, causing, or encouraging others to make unreasonable or unnecessary loud noise of any kind, including, but not limited to yelling, whistling, and loud music at any time of the day or night;
- t. Discharging a firearm;
- u. Making abusive, indecent, profane, or vulgar non-verbal gestures;
- v. Using non-verbal physical gestures, hand signs, or symbols, which the Defendant knows to be gang-related or indicative of membership in a criminal street gang;
- w. Displaying or wearing items of clothing which identify and symbolize membership and association with a criminal street gang, including but not limited to red/blue bandanas, sports insignia clothing, belts, and shoes;
- x. Using abusive, indecent, profane, or vulgar language;
- y. Entering on the property of another and looking into a dwelling through any window or other opening in the dwelling without prior permission from the owner or a lawful tenant;
- z. Giving false information to a police officer who requests such information, including but not limited to a false name, false date of birth, or false residence address; and
- aa. Intentionally damaging security cameras, lighting, fencing, walls, gates or any other security installation.

VIII. GROUNDS FOR INJUNCTIVE RELIEF

20. Plaintiff has met Plaintiff's burden by establishing each element which must be present before injunctive relief can be granted by this court, therefore Plaintiff is entitled to the requested injunction orders, as follows:

21. Plaintiffs are likely to succeed on the merits of its lawsuit because **The Bloods**, specifically Defendants Antonio D. Adams, Demond R. Beal, Antoine D. Brooks, Keith Brown, Lavell Brown, Kimbel V. Carter, Steven F. Davis, Lawrence Ellis, Antonio Gipson, Todd Goodson, Dontreal D. Gross, Bobby Harris, Jonathan Heard, Deandre M. High, Joseph D. Holmes, Tyrone D. Jackson, Davonta J. Johnson, Willie Johnson, Homer King, Alton J. Lewis, Trevion Mason, Robert R. Moore, Donthelle L. Moreno, Nicholas Mosquera, Londun Mouring, Ricky J. Pete, Derek D. Pinnekins, Damon D. Polk, Dewaymon Potts, Ceron R. Raymond, Joseph Reynolds, Keon Richardson, Bill Roberson, Robert E. Smith, Lester Walker III, Quentin Wallace, and Willie Washington, and **The Crips**, Dewitt T. Arteberry, Tyrone Berry, Timothy Burks, Gregory Caicedo, Brandon Forbes, Elroy K. Harrell, Lewis H. Jacobs, Freddrick Johnson, Daniel Minex, Paul A. Minex, Darryl J. Perkins, Francisco Riasco, Emmet W. Shepherd, Delton Sidney, Derrick Leon Smith Jr., Jamarcus Walker, and Jonathan P. Walker, are members of documented criminal street gangs as defined by Section 71.01 of the Texas Penal Code. These documented criminal street gangs are composed of three or more persons having a common identifying sign or symbol or an identifiable leadership who continuously or regularly associate in the commission of criminal activities. These criminal street gangs continuously or regularly have associated in the commission of gang activities, as defined by 125.061 of the Texas Civil Practice and Remedies code, within the Safety Zone on at least five (5) occasions in a period of not more than twelve (12) months. Each of the Defendants is a member of a criminal street gang that constitutes a public nuisance pursuant to Section 125.062 of the Texas Civil Practice and Remedies Code. Furthermore, Plaintiff should be granted a temporary injunction because injunctive relief is specifically permitted by Sections 125.064 and 125.065 of the Texas Civil Practice and Remedies Code.

22. Unless the Court temporarily restrains the Defendants until final trial on the merits of Plaintiff's case, the Plaintiff will suffer irreparable injury, for which there is no adequate remedy at law to give Plaintiff complete, final and equal relief. More specifically, Plaintiff will show the court the following:

a. The harm to Plaintiff is both imminent and ongoing because Defendants regularly and continuously associate with their criminal street gangs within the Safety Zone for the purpose of engaging in gang activities. Defendants' gang activities within the Safety Zone include and are not limited to:

- organized criminal activity as described by Section 71.02 of the Texas Penal Code;
- terroristic threat as described by Section 22.07 of the Texas Penal Code;
- criminal trespass as described by Section 30.05 of the Texas Penal Code;
- disorderly conduct as described by Section 42.01 of the Texas Penal Code;
- criminal mischief as described by Section 28.03 of the Texas Penal Code that causes a pecuniary loss of \$500 or more;
- graffiti offenses in violation of Section 28.08 of the Texas Penal code that:
 - (i) causes a pecuniary loss of \$500 or more; or (ii) occurs at a school, an institution of higher education, a place of worship or human cemetery, a public monument; or a community center that provides medical, social, or educational programs;
- weapons offenses in violation of Chapter 46 of the Texas Penal Code; or
- unlawful possession of a substance or other item in violation of Chapter 481 of the Texas Health and Safety Code.

- b. This imminent and ongoing harm will cause Plaintiff irreparable injury and the gang activity under Section 125.061 of the Texas Civil Practice and Remedies Code will, absent injunction and enforcement, continue to occur, and the safety and quality of life for the residents located within the Safety Zone will continue to decline. All gang activities committed within the “East Aldine Safety Zone” by the Defendants, as members of criminal street gangs, endanger the well-being of the citizens of Harris County, Texas, especially those residing and working within the Safety Zone. They constitute a public nuisance as defined by Section 125.062 of the Texas Civil Practice and Remedies Code for which injunctive relief is sought.
- c. There is no adequate remedy at law which will give Plaintiff complete, final and equal relief because individual prosecution of the Defendants for gang activity which constitutes crimes committed within the Safety Zone is ineffective. Injunctive relief permitted by Sections 125.064 and 125.065 of the Texas Civil Practice and Remedies Code provides a practical alternative, as permitted by Texas Legislature, to protect the legitimate aims of citizens of Harris County, Texas, living and working within the Safety Zone.

IX. SERVICE

23. Pursuant to Rule 103 of the Texas Rules of Civil Procedure, Plaintiff requests that the Court authorize sworn officers of the Houston Police Department, the Harris County Sheriff's Department, Harris County Constables, investigators of the Harris County Attorney's Office, officers employed by all school districts, and other individuals as allowed under Rule 103 to serve the citation and any other notice, order, motion, or pleading in this cause.

24. Plaintiff further requests that the Court authorize and allow the taking of fingerprints of any juvenile Defendant named herein, if any, at the time of service of the citation and any other notice, order, motion or pleading in the cause pursuant to Chapter 58 of the Texas Family Code.

X. APPLICATION FOR PERMANENT INJUNCTION

25. On final trial of the merits, it is requested that the court permanently enjoin Defendants herein from any and all activity as described in paragraph (¶) 19 above.

XI. REQUEST FOR DISCLOSURE

26. Pursuant to Rule 194 of the Texas Rules of Civil Procedure, defendants, severally, and each, are requested to disclose, within fifty (50) days of service of this request, the information or material described in rule 194.2(a)-(1).

XII. PRAYER

WHEREFORE, PREMISES, CONSIDERED, Plaintiff, The State of Texas, prays that

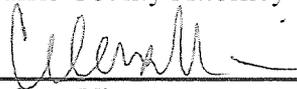
- a. the Court set a date and time for a hearing on this application for Temporary Injunction;
- b. Defendants be cited to appear and answer;
- c. after hearing, the Court issue a Temporary Injunction enjoining Defendants from any and all activity as described in paragraph (¶) 19 during the pendency of this action;
- d. after final hearing, the Court issue a Permanent Injunction enjoining Defendants from any and all activity as described in paragraph (¶) 19;

e. Plaintiff be granted reasonable expenses and attorney's fees incurred in obtaining the temporary and permanent injunction, as authorized by Section 125.068 of the Texas Civil Practice and Remedies Code; and

f. Plaintiff be granted all further relief to which Plaintiffs may be entitled.

Respectfully submitted,

VINCE RYAN
Harris County Attorney



Celena Vinson
Assistant County Attorney
Texas State Bar No.: 24037651
1019 Congress, 15th Floor
Houston, Texas 77002
713-274-5181 (telephone)
713-437-4577 (facsimile)
Celena.vinson@cao.hctx.net
Attorney for the State of Texas



I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this February 5, 2014

Certified Document Number: 59146386 Total Pages: 19

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

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