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The People of the State of California  
13  
14

15 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
16 COUNTY OF ALAMEDA

17 THE PEOPLE OF THE STATE OF  
18 CALIFORNIA ex rel John A. Russo, City  
Attorney for the City of Oakland,  
19

Plaintiff,  
20

v.  
21

22 NORTEÑOS, a criminal street gang sued  
as an unincorporated association,  
23 ALBERTO ACOSTA, RAUL ACOSTA  
(A.K.A. RAUL GUTIERREZ), ROBERT  
ALARID, LUIS AVALOS, SALVADOR  
24 AVALOS, STEVEN AVALOZ, PEDRO  
CARDENAS, JR., JOSEPH COOMBS  
25 (A.K.A. JOSÉ GUERRERO, A.K.A.  
JOSELITO CARRASCO), RUBEN  
26

CASE NO. RG10541141

EXPERT DECLARATION OF OPD  
OFFICER EUGENE GUERRERO IN  
SUPPORT OF INJUNCTIVE RELIEF, A  
"GANG INJUNCTION," AND OTHER  
RELIEF AGAINST THE NORTEÑOS, A  
CRIMINAL STREET GANG AND ALL ITS  
MEMBERS

Date: December 17, 2010  
Time: 11:00 a.m.  
Dept.: 20

Reservation No.: R-1125508

Action Filed: October 13, 2010  
Trial Date: Not Yet Set

BY FAX

27  
28  
EXPERT DECLARATION OF OPD OFFICER E. GUERRERO IN SUPPORT OF INJUNCTIVE RELIEF,  
A "GANG INJUNCTION," AND OTHER RELIEF AGAINST THE NORTEÑOS, A CRIMINAL  
STREET GANG AND ALL ITS MEMBERS

1 CORDOVA, ALEX CUIEL, VINCENT  
2 DELGUIDICE (A.K.A ANTHONY  
3 DELGUIDICE, A.K.A. MICHAEL  
4 DELGUIDICE), ONORATO DELTORO  
5 (A.K.A. FRANK LOPEZ, A.K.A. ARTURO  
6 DELTORO, A.K.A. DELTORO  
7 ONORATO), VICTOR FLORES,  
8 ANTHONY GARCIA (A.K.A. ANTONIO  
9 GARCIA), JUAN FRANCISCO  
10 GONZALEZ, RICARDO MARIO  
11 GUERRERO, OMAR GUZMAN, DAVID  
12 HERNANDEZ, MARTIN HURTADO,  
13 ANTONIO LAMBAREN (A.K.A. ANTONIO  
14 MANZO, A.K.A. LUIS LAMBAREN), POOI  
15 LAUTAIMI, RUBEN LEAL, JOSE MIGUEL  
16 LOPEZ (A.K.A. JOSE JOZOLLAZ),  
17 OCTAVIO LUPIEN, ABEL MANZO, JOEY  
18 ANTHONY MARTINEZ, CRUZ ANTONIO  
19 MENDOZA, ALEX MONDEZ, A.K.A.  
20 ALEX MENDOZA, A.K.A. ALEJANDRO  
21 VELASQUEZ, MICHAEL MUSCADINE,  
22 ANGELO ORTEGA, DAVID PELAYO,  
23 VICTOR PERALTA, JAVIER QUINTERO,  
24 JOSE RODRIGUEZ, CARLOS ROMERO,  
25 RAMON SANCHEZ, LUIS MIGUEL  
26 SERRANO, AUGUSTINE VIGIL,  
27 KENNETH VIGIL, DAVID WALLACE, and  
28 RUBEN ZEPEDA (A.K.A. RUBEN  
ZEPEDA GOMEZ) and DOE ONE through  
DOE SEVENTY, inclusive,

Defendants.

I, Officer Eugene Guerrero, declare as follows:

1. I make this declaration in support of the People's motion for injunctive relief against the Norteños criminal street gang, which conducts criminal and other nuisance activities in the central and east areas of Oakland, California.

**A. SPECIAL EXPERIENCE, EDUCATION, AND EXPERTISE REGARDING  
CRIMINAL STREET GANGS AND GANG MEMBERS**

1. I am employed as a sworn California Law Enforcement Officer employed by the Oakland Police Department ("OPD"). I make this declaration in support of the People's request for a gang injunction and other relief against the Norteños criminal

1 street gang within a proposed Safety Zone located in the City of Oakland.

2 2. In this Declaration, except where I state something to be based on my own  
3 personal observations, I am stating my opinion as a gang expert, or am referring to  
4 information that I used to form my opinions. The information I used to form my opinions  
5 on the Norteños criminal street gang includes discussions with other law enforcement  
6 officers, including other gang experts, conversations I have had with gang members,  
7 associates and affiliates of the Norteños criminal street gang, conversations I have had  
8 with non-gang members who live and work in the community, and my review of police  
9 records, conversations I have had with the rival street gangs such as the Border Brothers  
10 gang members and associates and the rival gang Sureño gang members and their  
11 associates, internet materials, music, documentaries, and a review of criminal records of  
12 gang members.

13 3. I am a sworn California Law Enforcement officer employed by the Oakland  
14 Police Department ("OPD"). I have been employed with OPD for the past 24 years.

15 4. The opinions about Hispanic gang, and specifically the Norteños that I  
16 discuss in this declaration, are based on my personal experience as a police officer  
17 performing gang and narcotics enforcement over a period of twenty years.

18 5. In 1991 I was assigned to the newly formed Criminal Investigation Division's  
19 Gang Unit assigned to Hispanic street gangs. In the Gang Unit my duties included  
20 monitoring and tracking Hispanic street gangs, gang members and associates, as well as  
21 investigating crimes where gang members were possible suspects. In January of 1998 I  
22 was transferred to patrol but was retained by the Gang Unit to train the new gang  
23 investigators. In May of 1999 I was transferred back to the Criminal Investigations  
24 Division, Gang Unit.

25 6. In 2003 I was assigned to a Violent Drug Gang Task Force with the Drug  
26 Enforcement Administration (DEA). At the time I was cross designated with the United  
27 States Department of Justice.

28



1 14. I attempt to attend the monthly meetings of the Alameda County Gang  
2 Investigators, which is a forum where information is exchanged between Local and  
3 Federal agencies, including probation and parole agents.

4 15. I have lectured extensively on the topic of Hispanic gangs to the California  
5 Highway Patrol, the DEA, the OPD Jailers Course, the OPD Dispatcher Course, the  
6 Alameda County District Attorney's Office, the State of California Juvenile Parole Officer  
7 Class, the Alameda county Dispatchers Update Course, the University of California at  
8 Berkeley, as well as local schools, juvenile groups, and church groups.

9 16. I taught the Hispanic Gang Course and Outlaw Motorcycle Course to the  
10 OPD Academies from 1992 to 2008.

11 17. I have been an advisor for the State of California, Department of Justice,  
12 Commission on Peace Officers Standards and Training (POST, in the making of a Law  
13 Enforcement Officers training DVD entitled "Gang Members the Hidden Threat".

14 18. I have conducted a Hispanic gang presentation for the Oakland Unified  
15 School District, which was given to the principles of Oakland High Schools and Oakland  
16 Middle Schools.

17 19. I gave a Hispanic gang presentation at the State of California DARE  
18 conference. I was asked to lecture on the topic with DARE America to law enforcement  
19 agencies in South America.

20 20. I have given a presentation on street gangs to the command staff of the  
21 BART Police and to Dispatchers from various law enforcement agencies throughout  
22 Alameda County.

23 21. I have presented a Gang and Narcotics class to an Administration of Justice  
24 class at Chabot Junior College. I also lectured on the topic of Hispanic gangs in the  
25 private sector.

26 22. I have arrested over fifty gang members for gang related crimes that took  
27 place in the Oakland area. I have spoken to over a hundred persons who have admitted

1 to me their association or membership in a criminal street gang. I have also spoken with  
2 numerous persons associated with Hispanic street gangs, family members of persons  
3 involved in Hispanic street gangs, victims of Hispanic street gang related crimes,  
4 witnesses of Hispanic street gang related crimes, and concerned citizens.

5 23. I have qualified and testified as a Hispanic gang expert in Alameda County  
6 Superior Court and Alameda County Juvenile Court, in session as Superior Court. I have  
7 testified numerous times as a Hispanic street gang expert in the investigation of Hispanic  
8 street gang related crimes, specifically as it involves Hispanic street gangs in the Oakland  
9 area. I have never failed to qualify as a Hispanic street gang expert in any courtroom.  
10 Most recently I testified in trial on September 9 and 13th, 2010, August 19, 2010,  
11 February 4, 8, 2010, March 17, 2009, February 11, 23, 24, 2009, December 8, 2008,  
12 October 14, 2008, September 29, 2008, June 13, 2008, April 15, 2008, and numerous  
13 other times from 1992 through 2007.

14 **B. EXAMPLES OF NUISANCE ACTIVITIES AND CRIMES COMMITTED BY THE**  
15 **NORTEÑO CRIMINAL STREET GANG**

16 24. On November 7, 2001 undercover Oakland police officers were driving in  
17 the 2200 block of E. 15<sup>th</sup> Street. One of the officers observed a male Hispanic wearing a  
18 red shirt flashing gang hand signs and yelling at the undercover officers. Officers drove  
19 around the block and observed another male Hispanic come from a driveway and pull a  
20 revolver from his pants. He pointed the firearm at the undercover officers and  
21 discharged the gun approximately five times. Two unoccupied vehicles parked on the  
22 block were struck by the gunfire. RD 01-100175

23 25. On September 25, 2003 17 year-old Jose was killed while riding in a car in  
24 the 1200 block of 60<sup>th</sup> Avenue. When the car drove past a group of subjects one  
25 individual discharged a firearm at the vehicle and Jose received a gunshot wound to the  
26 head and died. This shooting occurred in a Norteño area. A known admitted Norteño  
27 gang member was later arrested and convicted for the murder. RD 03-85843

1           26.    On September 16, 2006 two people were shot at a gas station at 4251  
2 International Boulevard. Known Norteño gang member Michael Roybal got into a verbal  
3 altercation with a Border Brother gang member at the gas station. The Border Brother  
4 gang member allegedly asked Roybal "if he was banging". Roybal had a firearm and  
5 fired at two subjects. The Border Brother gang member later died from his injuries. RD  
6 06-80804.

7           27.    On October 31, 2007 13 year-old Angelica was shot in the leg. Angelica  
8 told officers that she walked to a store on International Boulevard with a friend. While  
9 she waited outside the store for her friend a vehicle drove by, the occupant of the vehicle  
10 flashed Norteño gang signs at Angelica. Approximately two to three minutes later the  
11 vehicle came back, parked, and an occupant of the vehicle fired a firearm three times  
12 out of the car. Angelica was hit, and the vehicle fled. Witness statements reported the  
13 same account, except that the girls might have also been flashing gang signs at the car.  
14 RD 07-085085.

15           28.    On July 3, 2008 a victim was shot in the rear of a residence in the area of  
16 Mountain Boulevard and Edwards Avenue. According to the victim, he went to the  
17 residence to sell fireworks. He was told that a man would arrive to purchase the  
18 fireworks. While the victim was waiting, Louis Garcia arrived at the residence. Garcia  
19 asked that the victim join him outside. Once outside Garcia showed the victim a firearm  
20 and told the victim he was robbing him. The victim refused to give Garcia any money.  
21 Garcia then shot the victim in the abdomen, and grabbed some money from the victim's  
22 pockets. Garcia is known as a Norteño gang member by police officers and witnesses.  
23 RD 08-49068.

24           29.    On February 19, 2009 a man was robbed in the Fruitvale BART parking lot.  
25 The man had used the ATM at 3251 International Boulevard and was walking through  
26 the Fruitvale BART station parking lot when he was approached by Victor Veliz and  
27 Christopher Gonzalez. Veliz and Gonzalez were Norteño gang members. The victim  
28

1 stated that the two approached him and asked was gang he was in. The victim told them  
2 that he was not from the area. Veliz grabbed his cell phone and demanded his property.  
3 Veliz held a knife to the victim and Gonzalez told the victim that he had a firearm. The  
4 suspects went through the victims pockets. The victim grabbed the knife from Veliz and  
5 began to fight with Veliz and Gonzalez. Gonzalez suffered a knife wound in the fight.  
6 The victim then fled and flagged down Oakland Police Officers. The suspects were  
7 located at Gonzalez's residence. Gonzalez was suffering from the stab wound and later  
8 died of his injuries. Veliz was detained. Veliz told officers that he was a Norteño gang  
9 member. At the time of the incident Veliz was wearing a red belt. Veliz told officers that  
10 he thought the victim was a Border Brother gang member because he was wearing  
11 black clothing. I believe that the attempted robbery was clearly committed as an act for  
12 the benefit of the Norteños gang. These acts of violence are committed as  
13 demonstrations of strength and dominance in the gang's ongoing struggle to gain and  
14 maintain respect and reputation. I know that members of Hispanic street gangs in the  
15 Oakland area often commit crimes together to further their gang's status and prestige.  
16 They commit these crimes to impress their own gang as well as others. These acts  
17 provide the members of the gang with an opportunity to share in the inherent dangers  
18 and risks involved and to test their mutual loyalty while at the same time furthering the  
19 interests of the gang. RD 09-012630.

20 30. On February 26, 2009 Maria and her sister were walking through Cesar  
21 Chavez Park, which is located in the 3700 block of Foothill Boulevard and within the  
22 proposed Safety Zone. The girls were approached by five female and five male  
23 Hispanics. Maria recognized one of the males, later identified as Defendant David  
24 Hernandez, as the same person who had approached her the previous day in the park  
25 and asked her if she wanted to become a 38<sup>th</sup> Avenue Loca and if she wanted to "join  
26 the team". Maria knew that this was an invitation to join the Norteños gang. The group  
27 began to call the girls "bitches" and "squapes" for not joining the gang. I know that

1 squapes means scraps, which is a derogatory term for Surenos. Maria reported that one  
2 person started to beat her and when she and her sister fell to the ground the entire  
3 group started to beat them. When the group stopped and Maria was able to get to her  
4 feet, Hernandez punched her in the face and took her purse. Maria stated that as the  
5 group was beating them they were all shouting "38<sup>th</sup> Ave Locs". I know that this park is a  
6 Norteño gang hangout. The officers that arrived on scene knew that David Herndez was  
7 a Norteño gang member. The officers also observed that the individuals in the group  
8 were wearing red clothing. Officers observed that Hernandez had multiple gang tattoos.  
9 When questioned about the tattoos, Hernandez stated that he was a Norteño gang  
10 member. Officers located a red bandana in Hernandez's rear pocket. I believe that this  
11 matter was clearly committed for the benefit of 38<sup>th</sup> Avenue Locos Norteño gang. These  
12 acts of violence are committed as demonstrations of strength and dominance in the  
13 gang's ongoing struggle to gain and maintain respect and reputation. I know that  
14 members of Hispanic gangs in Oakland often commit crimes together to further their  
15 gang' status and prestige. They do so to impress their own gang as well as others.  
16 These acts provide the members of the gang with an opportunity to share in the inherent  
17 dangers and risks involved and to test their mutual loyalty while at the same time  
18 furthering the interests of the gang. This act is very consistent with the nature of  
19 Hispanic street gang activity in the Oakland area. RD 09-14478.

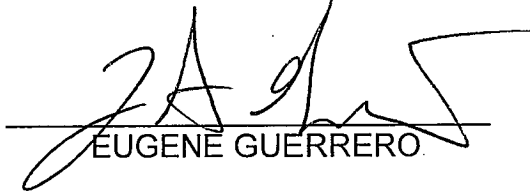
20 31. On January 17, 2010 officers were flagged down by a victim in the 2200  
21 block of High Street. The victim informed the officers that he had just been robbed and  
22 one of the suspects had a firearm. The victim pointed to a group of individuals walking  
23 up the street as the group that had just robbed him. The officers stopped the group and  
24 located a firearm on the person of Defendant Luis Avalos. Defendant Jose Lopez was  
25 also in the group. The victim reported that he was walking near his house when he was  
26 approached by a group of individuals. One individual, later identified as Luis Avalos,  
27 pulled the slide of a gun and pointed the gun at his head. Another subject in the group

1 told him he better come up with some money. The victim reported throwing the money at  
2 them and fleeing. The victim said that when he looked back the group was flashing gang  
3 hand signs at him. Officers interviewed two of the suspects, who both informed police  
4 that Avalos was in a gang and that they also associated with the gang. The suspect told  
5 the officers that the victim had disrespected the gang. RD 10-003642.

6 **C. CONCLUSIONS IN SUPPORT OF A CIVIL GANG INJUNCTION AGAINST THE**  
7 **NORTEÑOS CRIMINAL STREET GANG AND ALL ITS MEMBERS**

8 32. Through my years of experience working with Hispanic gangs in Oakland I  
9 know that the Norteños and their rivals have had a long and violent history in the area. I  
10 know that at this point in time the Norteños are the most violent Hispanic street gang in  
11 the City of Oakland.

12 I declare under penalty of perjury under the laws of the State of California that the  
13 foregoing is true and correct and that this declaration was executed in Oakland, California  
14 on November 15, 2010.

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16   
17 EUGENE GUERRERO

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