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Attorneys for the CITY OF SACRAMENTO

8 SUPERIOR COURT OF CALIFORNIA
9 COUNTY OF SACRAMENTO

11 CITY OF SACRAMENTO, a municipal
12 corporation,

13 Plaintiff,

14 vs.

15 SEAN CONNER, MICHAEL DIBIASIO,
16 DIMITRIY GOLOGYUK, TROY GREEN,
17 KELVIN C. PETERSON, JOSEPH SOTO,
and KENNETH WHITLOCK,

18 Defendants.

Case No.:

**COMPLAINT FOR ABATEMENT OF
PUBLIC NUISANCE AND
PERMANENT INJUNCTION**

20 Plaintiff, the CITY OF SACRAMENTO, a municipal corporation, alleges as follows:

21 **I. JURISDICTION**

22 1. The City of Sacramento is a municipal corporation, organized and existing under a
23 Charter adopted and from time to time amended, pursuant to Article XI, § 3, of the
24 Constitution of the State of California.

25 2. This civil action to abate a public nuisance is commenced pursuant to California
26 Civil Code §§ 3479 and 3480 and California Code of Civil Procedure § 731.

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1 3. The City Attorney of the City of Sacramento is authorized pursuant to California
2 Civil Code § 3494 to commence a civil action to abate a public nuisance and is authorized to
3 abate a public nuisance pursuant to California Code of Civil Procedure § 731.

4 **II. DEFENDANTS**

5 4. Plaintiff is informed and believes and thereon alleges, that at all times mentioned
6 SEAN CONNER, MICHAEL DIBIASIO, DIMITRIY GOLOGYUK, TROY GREEN,
7 KELVIN C. PETERSON, JOSEPH SOTO, and KENNETH WHITLOCK, inclusive,
8 (hereinafter collectively referred to as "Defendants") inclusive, are individuals residing in the
9 City and County of Sacramento. The nuisance activities hereinafter described have been
10 carried out within the City of Sacramento. The actions of the Defendants, and each of them,
11 are in violation of the law and policy of the State of California and the City of Sacramento and
12 are inimical to the rights and interests of the general public.

13 5. Plaintiff is informed and believes and thereon alleges, that at all times herein
14 mentioned the Defendants are drug users, trespassers, thieves, possessors of illegal weapons
15 and ammunition, and violent criminals conducting their affairs within the City of Sacramento,
16 County of Sacramento, State of California.

17 6. When, in the instant complaint, reference is made to any act of the Defendants,
18 such allegations shall include Defendants as well as their agents, employees, managers, and
19 those persons who did or authorized such acts while actively engaged in the operation,
20 management, direction and/or control of the affairs of Defendants and/or while acting within
21 the course and scope of their duties.
22

23 **III. FIRST CAUSE OF ACTION**

24 Public Nuisance, Violation of California Civil Code §§ 3479, 3480

25 7. Plaintiff alleges and incorporates by reference paragraphs 1 through 6, inclusive, as
26 if fully set forth in this paragraph.

27 8. Defendants, each and all of them, have occupied, used, and permitted the use of the
28 area around Broadway between Riverside Boulevard and State Highway 99 (the "Designated

1 Area”) in a manner that constitutes a public nuisance in accordance with California Civil Code
2 §§ 3479 and 3480. (Map of the Designated Area is attached hereto as “**Exhibit A**” and
3 incorporated herein by reference). The Designated Area is defined as:

- 4 1) Starting at the northwest corner of 9th and W Streets, continuing east down W
5 Street;
- 6 2) At State HWY 99, south along the western boarder of HWY 99;
- 7 3) To 3rd Avenue, turning west, continuing along Castro Way;
- 8 4) Turning north on 21st Street, to 2nd Avenue;
- 9 5) Turning west along 2nd Avenue, to Riverside Boulevard;
- 10 6) Turning south on Riverside to Fremont Way;
- 11 7) Continuing west on Fremont Way to McClatchy Way;
- 12 8) Continuing west on McClatchy Way to Muir Way;
- 13 9) Turning north on Muir Way to Broadway;
- 14 10) Turning east on Broadway to 9th Street;
- 15 11) Turning north on 9th Street, ending at the starting point.

16
17 9. The Designated Area is the northern portion of Sacramento Police Beat “4A.” A
18 “heat map” of Beat 4A shows the disproportionate amount of police resources dedicated to
19 addressing criminal activity in this area. Attached hereto as **Exhibit B** are maps of the Calls
20 for Service, generated police reports, and all arrests for the period of October 1, 2017 to March
21 31, 2019. In addition to the “heat maps,” **Exhibit C** shows the extreme amount of police
22 resources used along the Broadway corridor in comparison to the rest of the Beat. Arrests
23 within the Designated Area accounted for almost 45% of all arrests for the entire Beat.

24 10. In addition to the excessive amount of police resources being dedicated to the
25 Designated Area, local citizens describe a high-crime area, where property values are
26 negatively affected and a sense of fear among citizens permeates the area. Declarations of
27 citizens being negatively affected by the criminal activity in the area are attached as **Exhibit**
28 **D**. For example:

1 a. **Joan Borucki**, the Executive Director of the Greater Broadway District,
2 states that, “[O]ur team is constantly dealing with the aftermath of drug activity at
3 the Designated Area. This includes dealing with the human waste, needle pick-
4 up, theft, car break-ins and vandalism on a daily basis. I have recently seen an
5 increase in employees that are threatened with harm by people who are under the
6 influence of drugs. The Starbucks and/or Walgreen locations are a known
7 narcotics distribution area and people are refusing to visit those businesses. ...

8 ‘[A]bout two weeks ago, a young couple on their way to Lake Tahoe
9 stopped by Tower Café for a late dinner. That evening, the couple’s car was broken
10 into, along with four other cars in the parking lot. The thief took the couple’s
11 suitcases, which contained an engagement ring that the man was going to surprise
12 the woman with that weekend. The couple shared their bad experience with friends
13 and family and made it clear that they would never stop by Sacramento again....

14 ‘[T]he increase in crimes in the Designated Area has negatively impacted
15 the neighborhood and/or the community. I am aware that some developers have
16 stated that they have had a hard time keeping and/or attracting investors for
17 projects on Broadway because of its reputation, appearance and reputation of
18 criminal activity in the Designated Area.”

19 b. **Robert Ellis**, a property owner near the Designated Area, states that, “I
20 have personally observed trash, drug paraphernalia and drug activities being
21 conducted in the Designated Area.... I have had individuals verbally threatened
22 me. I have at times reported these incidents to the security and the police
23 department. I believe that these problems have a negative impact on the
24 neighborhood.

25 ‘I am aware of businesses and persons that do not want to rent commercial
26 or residential units along Broadway because of the criminal activity. I am aware of
27 the excessive criminal activity problem in the Broadway area, which makes many
28 residents feel unsafe to live and/or operate a business in the Designated Area.

1 ‘[T]he primary problem in the Designated Area is excessive criminal
2 activity. This issue has generated various narcotic related activities, including
3 narcotic possession, sale and littering of drug paraphernalia, which makes people
4 fear for their safety to walk around the Designated Area.”

5 c. **Jon Gianulias**, a business owner in the Designated Area states that,
6 “Because of the rising criminal activity in the Designated Area, I believe that the
7 property values and/or rent have been negatively affected.... [P]roperty owners in
8 the Designated Area are unable to charge a comparable housing rent than property
9 owners in nearby midtown.... [B]ecause of the neighborhood blight resulting from
10 the excessive criminal activity, investors are discouraged to purchase homes
11 and/or engage in any business ventures in the Designated Area.... [T]here are vans
12 and motorhomes underneath the 50/80 crosstown freeway and surrounding
13 neighborhood that are used to sell drugs, including meth and heroin. This hurts
14 every property owner, tenant and its patrons.”

15 d. **Kevin Grimes**, a business owner near the Designated Area, states that,
16 “[I]ndividuals have entered into my business premises where they aggressively
17 approached my staff for a key to use the restroom and/or ask for money. I am
18 aware that on multiple times, my employees have been harassed and threatened
19 while walking to their car after their shifts. I am aware that individuals have
20 entered into the rear of the building trying to lock themselves in a bathroom. I am
21 further aware that on one occasion, our dumpster was lit on fire, and security and
22 fire department were called to respond. I have knowledge that recently, our
23 delivery trucks were vandalized. The batteries and the fuel were stolen....

24 ‘[C]ertain parts of the Designated Area have growing amount of illegal
25 dumping, litter, graffiti and other crimes. I believe that these areas have had to
26 employ their own private security and private maintenance companies to help
27 alleviate this problem....It is my opinion that the ongoing criminal activity in the
28 Designated Area have negatively impact the community because they drive away

1 businesses and depreciate property values.... [P]eople feel unsafe in a
2 neighborhood where criminal activity is ongoing. Among the common crimes
3 observed at the Designated Area were drinking in public, littering, aggressive
4 panhandling (sic), prostitution, intravenous drug use and public
5 urination/defecation, to name a few.”

6 e. **Josh Nelson**, a resident and business owner near the Designated Area,
7 states that, “[T]here is ongoing criminal activity occurring in the Designated Area,
8 to include drug dealing, panhandling, and theft crimes, to name a few. I have been
9 threatened with violence on several occasions by individuals when I asked them to
10 leave the business premises. I believe that the rising criminal activity in the
11 Designated Area have blighted the neighborhood and have negatively impacted
12 property values in these areas.”

13 f. **Ashneed Prasad**, a business owner in the vicinity of the Designated Area,
14 states that, “I have witnessed the ongoing criminal activities occurring in the
15 Designated Area attributable to shop lifting, loitering and panhandling. I have
16 personally observed the Designated Area as being a haven for criminal activity,
17 which negatively impacts the neighborhood and the community.”

18 g. **Andrew Skanchy**, a local resident, states that, “[T]here are ongoing
19 criminal activities occurring in the Designated Area attributable to narcotic related
20 activities, prostitution, nudity, defecation, graffiti, littering, aggressive
21 panhandling, to name a few. I found that most problems occurred along X Street
22 and Broadway between 14th and 21st Streets. I have personally observed the
23 presence of trash, drug paraphernalia and drug users all over the Designated Area.

24 ‘On numerous occasions while at the Designated Area, I have had individuals
25 verbally threatened me. I have at times reported these incidents to the security and
26 to the police department. I believe that this problem has negatively impacted the
27 Broadway neighborhood.
28

1 'I am aware of restaurants and persons that do not want to rent commercial or
2 residential units along Broadway because of the criminal activity. I believe that
3 many residents feel unsafe to live and/or operate a business at or near the
4 Designated Area.

5 'It is my opinion that the primary problem in the Designated Area is the
6 excessive criminal activity. This problem has greatly contributed to the increase in
7 narcotic related crimes, including narcotic possession, sale and littering of drug
8 paraphernalia. This made many people fear for their safety to walk around the
9 Designated Area."

10 These citizen statements demonstrate the effect of the criminal nuisance activity that is
11 occurring in the Designated Area. The activity is negatively affecting the residents' and
12 business owners' ability to comfortably enjoy their life and property.

13 11. California Civil Code section 3479 defines any acts constituting a nuisance as
14 "[a]nything which is injurious to health, including, but not limited to, illegal sales of controlled
15 substances, or is indecent or offensive to the senses, or an obstruction to the free use of
16 property, so as to interfere with the comfortable enjoyment of life or property" A public
17 nuisance is defined under California Civil Code section 3480, in relevant part, as "one which
18 affects at the same time an entire community or neighborhood, or any considerable number of
19 persons ..."

20 12. Defendants' activities conduct and/or actions in the Designated Area and
21 immediate vicinity as hereinafter described is a continuing public nuisance as defined in Civil
22 Code §§ 3479 and 3480. It is injurious to the health, offensive to the senses, and obstructs the
23 free use of public and private property to City residents, so as to interfere with the comfortable
24 enjoyment of life or property. Defendants' activities, conduct and/or actions affects an entire
25 community or neighborhood, including the businesses located in the surrounding area and the
26 nearby residential neighborhood. The Defendants nuisance behavior causes harm to the
27 businesses along Broadway by both physical harm, such as drug and weapon possession, as

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1 well as perceived harm by the public that Broadway is a haven for criminals and drug and
2 alcohol addicts.

3 13. Defendants, each and all of them, repeatedly engage in illegal activity within and in
4 the close proximity of the Designated Area, and surrounding areas, which constitutes a
5 nuisance per se under Civil Code § 3479. Some of the Defendants engage in illegal narcotic
6 activity, which constitutes a *nuisance per se* pursuant to Civil Code § 3479. Defendants'
7 activities include but are not limited to the following: drug use and possession, trespassing,
8 thieves, possessing of illegal weapons and ammunition, and acts of violence. Collectively,
9 individually, and in concert, they commit these nuisance actions within the Designated Area
10 and cause harm, both directly and indirectly, to the businesses and residences located within
11 the Designated Area. All of the named Defendants have been arrested or witnessed
12 committing the above listed illegal acts which constitute the nuisance behavior within the
13 Designated Area. Continual efforts of law enforcement to stop this activity has had limited
14 success in deterring the continued nuisance and unlawful activity.

15 14. The Defendants have committed the following unlawful acts within The City of
16 Sacramento, and within the Designated Area (See Declaration of Sacramento Police POP
17 Sergeant Gregory Galliano, attached hereto as **Exhibit E**):

18 a. Defendant **Sean Conner** is known to have committed the following acts in the
19 Designated Area, as defined in section III.8 of the Complaint in this matter:

20 i. On January 14, 2018, Defendant Conner was contacted naked on a sidewalk
21 at the intersection of 14th Street and W Street. Defendant Conner was arrested
22 for disorderly conduct under Penal Code section 647 (f) – drunk in public.
23 (Report # 18-13199).

24 ii. On April 10, 2018, Defendant Conner was found outside of the Starbucks at
25 1429 Broadway after reports of panhandling at the property, but departed as
26 the officer was speaking with a property manager who wished to issue a Notice
27 of Trespass to Defendant Conner. Defendant Conner was then contacted at

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1 2505 Riverside Boulevard and issued a Notice of Trespass for the 1429
2 Broadway property. (Report # 18-1805808).

3 iii. On April 11, 2018, Defendant Conner was contacted at 2505 Riverside
4 Boulevard after reports of Defendant Conner shoplifting from and refusing to
5 leave from the Walgreens at 1401 Broadway. Defendant Conner was issued a
6 Notice of Trespass for the property at 1401 Broadway. (Report # 18-106572).

7 iv. On April 29, 2018, Defendant Conner was contacted by Paladin Security at the
8 corner of 22nd Street and Broadway after reports of Defendant Conner refusing
9 to leave the Target at 2505 Riverside Boulevard. Defendant Conner was issued
10 a Notice of Trespass and informed that he was no longer allowed at 2505
11 Riverside Boulevard. (Report # 18-1806218).

12 v. On May 15, 2018, Defendant Conner was contacted in the area of 23rd Street
13 and W Street. Defendant Conner had chased a victim with a baseball bat, then
14 broke the victim's front gate while threatening the victim's life. Defendant
15 Conner was booked under Penal Code section 422 on charges of felony threats
16 as well as for misdemeanor vandalism. (Report # 18-145873).

17 vi. On December 11, 2018, Defendant Conner was contacted just outside the
18 property of 1429 Broadway when officers responded to a report of a non-
19 customer identified as Defendant Conner refusing to leave the property.
20 Defendant Conner had been previously issued a Notice of Trespass at 1429
21 Broadway. Defendant Conner was arrested for violation of Sacramento City
22 Code section 9.16.140 (b) (1) – trespass after notice. (Report # 18-391787).

23 vii. On December 16, 2018, Defendant Conner assaulted a victim between the bus
24 stop and the light rail station at the Broadway light rail station. Defendant
25 Conner was detained by an officer on the scene and booked under Penal Code
26 section 368 (b) (1) – elder abuse – and Penal Code section 242 – battery. (Report
27 # 18-397193).

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- 1 viii. On March 12, 2019, Defendant Conner was contacted by Paladin Security at
2 2411 15th Street, after having previously been warned not to return to the
3 property. Defendant Conner was issued a Notice of Trespass. (Report # 19-
4 1804077).
- 5 ix. On March 12, 2019, Defendant Conner was contacted at 1500 Broadway, after
6 reports that Defendant Conner would not leave the Starbucks across the street
7 (1429 Broadway). Defendant Conner had previously been issued a Notice of
8 Trespass at 1429 Broadway. Defendant Conner was cited for violation of
9 Sacramento City Code section 9.16.140 (b) – trespass after notice. (Report #
10 19-76390).
- 11 x. On March 28, 2019, Defendant Conner was contacted at 2509 Broadway after
12 reports of a subject exposing himself in the back alleyway. Defendant Conner
13 was issued a Notice of Trespass and advised not to come back to the property.
14 (Report # 19-94270).
- 15 xi. On April 4, 2019, Defendant Conner was contacted at 2610 X Street after
16 fighting with private security and being detained. Defendant Conner was
17 served with a Notice of Trespass and asked to leave the property. (Report # 19-
18 107530).
- 19 xii. Defendant Conner was contacted in the back-parking lot of 2610 X Street on
20 May 3, 2019, after reports of a male masturbating within a public right-of-way.
21 In Defendant Conner's bag was a glass pipe used to smoke methamphetamines.
22 Defendant Conner was arrested for violating Health and Safety Code section
23 11364 – possession of controlled substance paraphernalia – as well as under
24 Penal Code section 602 – trespass. (Report # 19-137030).
- 25 b. Defendant **Sean Conner** is known to have committed the following acts in other areas
26 of the City of Sacramento:
- 27 i. On March 12, 2017, Defendant Conner was contacted at 1508 Q Street after
28 reports of Defendant Conner refusing to leave the property and threatening to

1 break a window. Defendant Conner was served with a Notice of Trespass.
2 (Report # 17-70736).

3 ii. On March 24, 2017, Defendant Conner was contacted at 1700 J Street after
4 reports of a subject being thrown out of the window of the business. Defendant
5 Conner had assaulted a subject on the street, who had pushed Defendant
6 Conner back and through the window. Defendant Conner appeared fidgety and
7 slightly disoriented and was placed on a 5150 Welfare and Institutions hold.
8 (Report # 17-83587).

9 iii. On April 20, 2017, Defendant Conner was contacted at 1111 24th Street in
10 possession of unlawful drug paraphernalia. Defendant Conner was arrested
11 under Health and Safety Code 11364 (a) – possession of controlled substance
12 paraphernalia. (Report # 17-110724).

13 iv. Defendant Conner was contacted on April 24, 2017, hiding behind bushes at
14 1622 T Street and admitted to being under the influence of methamphetamine.
15 Defendant Conner was booked under Penal Code section 647(f) – disorderly
16 conduct: drunk in public. (Report # 17-115575).

17 v. On June 3, 2017, Defendant Conner was contacted at Folsom Boulevard and
18 32nd Street. Defendant Conner had been running in and out of traffic and was
19 found sitting in a car that did not belong to him. Defendant Conner was placed
20 on a 72-hour hold and transported to Mercy General Hospital. (Report # 17-
21 156553).

22 vi. On June 23, 2017, Defendant Conner committed battery in the area of Q Street
23 and 16th Street. On June 26, 2017 Defendant Conner was contacted at R Street
24 and 16th street on call # 17-179368 and arrested under Penal Code section 242.
25 (Report # 17-179409).

26 vii. On June 26, 2017, Defendant Conner sexually assaulted a victim on the street
27 in the area of 16th Street and P Street. Defendant Conner was contacted at R

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1 Street and 16th Street and arrested under Penal Code section 243.4(e)(1) for
2 sexual battery. (Report # 17-179368).

3 viii. On February 13, 2018, Defendant Conner was arrested for disorderly conduct
4 under Penal Code section 647(f) – drunk in public – at 1341 J Street. (Report #
5 18-45622).

6 c. Defendant **Michael Dibiasio** is known to have committed the following acts in the
7 Designated Area, as defined in section III.8 of the Complaint in this matter:

8 i. On March 11, 2018, Defendant Dibiasio was found lying in the middle of
9 Alhambra Boulevard at approximately 1025 Alhambra Boulevard. Defendant
10 Dibiasio was found to be carrying an approximately six inches long silver blade in
11 his pocket. Defendant Dibiasio was booked for carrying a concealed dirk or dagger
12 – Penal Code section 21310. (Report # 18-74965).

13 ii. On April 16, 2018, Defendant Dibiasio was contacted at 2417 Broadway
14 Boulevard. Defendant Dibiasio had an active warrant for his arrest. Defendant
15 Dibiasio was charged under Penal Code section 21310 for carrying a concealed
16 dirk or dagger and Penal Code section 148.9 for false identification to a police
17 officer. (Report # 18-112152).

18 iii. On July 5, 2018, Defendant Dibiasio was cited at 2416 Sloat Way under
19 Sacramento City Code section 12.52.040(a) for unlawful storage of personal
20 property on public property. Dibiasio had also been asked to pack up his
21 belongings and leave from the same location the day prior. (Report # 18-206810).

22 iv. Defendant Dibiasio was contacted on July 6, 2018 at Sloat Way and 24th Street.
23 Defendant Dibiasio was charged under Penal Code 21310 for carrying a concealed
24 dirk or dagger and Sacramento City Code section 9.04.050(a) for drinking in
25 public. (Report # 18-208003).

26 v. On September 7, 2018, officers contacted Defendant Dibiasio outside of 2431
27 Broadway (Taco Bell). Defendant Dibiasio had multiple warrants out for his arrest
28 and was found to be carrying a concealed knife. Defendant Dibiasio was placed

1 under arrest pursuant to his warrants and charged with violating Penal Code
2 section 21310 – carrying a concealed dirk or dagger – and Sacramento City Code
3 sections 12.52.040(a) and 9.04.050(a) – storing belongings on personal property
4 and drinking in public. (Report # 18-285666).

5 vi. On September 28, 2018, Defendant Dibiasio was contacted at 27th Street and
6 Castro Avenue. Defendant Dibiasio was obstructing the sidewalk and showed
7 objective signs of intoxication. Defendant Dibiasio was arrested for being drunk
8 in public under Penal Code section 647(f). (Report # 18-310664).

9 vii. Defendant Dibiasio was contacted at 2424 Castro Way on November 2, 2018 after
10 reports of two subjects throwing rocks at each other. Defendant Dibiasio showed
11 objective signs of intoxication and was found to be on probation. Defendant
12 Dibiasio was charged under Penal Code section 647(f) – drunk in public. (Report
13 # 18-350341).

14 d. Defendant **Michael Dibiasio** is known to have committed the following acts in other
15 areas of the City of Sacramento:

16 i. On February 15, 2017, Defendant Dibiasio was contacted sleeping in front of 1500
17 West El Camino Avenue. Defendant Dibiasio was advised and sent on his way
18 (Report # 17-340).

19 ii. On March 18, 2018, Defendant Dibiasio was contacted in the area of K Street and
20 10th Street while sitting against a light pole and drinking liquor. Defendant
21 Dibiasio was charged with a misdemeanor violation of Sacramento City Code
22 section 9.04.050(a) – drinking in public. (Report # 18-81996).

23 e. Defendant **Dimitriy Golodyuk** is known to have committed the following acts in the
24 Designated Area, as defined in section III.8 of the Complaint in this matter:

25 i. On April 3, 2017, officers responded to the Starbucks located at 1429 Broadway
26 about a report that a subject identified as Defendant Golodyuk had locked himself
27 in the bathroom and refused to leave. Defendant Golodyuk was contacted at X
28 Street and 5th Street and was issued a Notice of Trespass. (Report # 17-93901).

- 1 ii. On April 15, 2017, Defendant Golodyuk was found panhandling in front of the
2 Walgreens at 1401 Broadway. Defendant Golodyuk was advised to leave, and
3 upon refusal to leave, Defendant Golodyuk was issued a Notice of Trespass.
4 (Report # 17-1805351).
- 5 iii. On May 24, 2017, Defendant Golodyuk was verbally trespassed and issued a
6 Notice of Trespass at 1518 Broadway. Defendant Golodyuk had been found
7 panhandling in the garden area of the property. (Report # 17-1807309).
- 8 iv. Defendant Golodyuk stole a Sacramento Police Department bait car from 22nd
9 Street and W Street on May 31, 2017. The vehicle was stopped by police at 20th
10 Street and W Street. Defendant Golodyuk was arrested under Vehicle Code section
11 10851 for vehicle theft, Penal Code section 1203.2 for probation violation, Health
12 and Safety Code section 11377 for possession of a dangerous controlled substance,
13 as well as for two misdemeanor warrants. (Report # 17-154391).
- 14 v. On August 31, 2017, Defendant Golodyuk was observed at an illegal camping area
15 at 1901 X Street. Defendant Golodyuk had an active felony warrant for a charge
16 of Vehicle Code section 10851(a) – vehicle theft. (Report # 17-250343).
- 17 vi. Defendant Golodyuk was contacted on November 11, 2017 under the overpass at
18 the intersection of X Street and 18th Street. Defendant Golodyuk was in possession
19 of three knives, a burnt spoon with heroin residue on it, and marijuana. Defendant
20 Golodyuk was booked under Penal Code section 1203.2 (probation violation) and
21 Healthy and Safety Code section 11364 (possession of drug paraphernalia). (Report
22 # 17-325160).
- 23 vii. On November 19, 2017, Defendant Golodyuk was contacted in the Target parking
24 lot at 2505 Riverside Boulevard in response to reports of trespassing. Defendant
25 Golodyuk had previously been issued a notice of trespass on March 4, 2017 and
26 was issued another trespass citation on this occasion. (Report # 17-333264).
- 27 viii. On December 27, 2017 Defendant Golodyuk was contacted in a parking lot at 2505
28 Riverside Boulevard in the driver's seat of a car reported stolen earlier that day.

1 Defendant Golodyuk was booked for vehicle theft in violation of Vehicle Code
2 section 10851, possession of stolen property in violation of Penal Code section 496
3 (a), and probation violation under Vehicle Code section 1203.2. (Report # 17-
4 370256).

5 ix. On January 11, 2018, Defendant Golodyuk was contacted with a large group of
6 people between W Street and X Street, several of whom who were found to have
7 narcotic paraphernalia in their possession. Defendant Golodyuk and others were
8 advised that the area was a high narcotic area and lingering in the area would lead
9 to arrest. (Report # 18-10097).

10 x. On April 29, 2018, Defendant Golodyuk was contacted at 16th Street and W
11 Street. Defendant Golodyuk was found to have an active warrant and charged with
12 Vehicle Code section 10851(a) for vehicle theft. (Report # 18-127084).

13 xi. On August 16, 2018, Defendant Golodyuk assaulted a subject he was cohabitating
14 with in the area of X Street Broadway Alley and 26th Street before fleeing.
15 Defendant Golodyuk was located in custody at the Sacramento County Jail and
16 charged under Penal Code section 273.5 for domestic violence. (Report # 18-
17 259218).

18 xii. Defendant Golodyuk was contacted on August 22, 2018 in the area of 22nd Street
19 and X Street/Broadway Alley. Defendant Golodyuk was found to be in possession
20 of methamphetamine and used needles. Defendant Golodyuk was charged under
21 Health and Safety Code section 11377 (a) – possession of a dangerous drug – as
22 well as for a felony warrant. (Report # 18-266119).

23 f. Defendant **Troy Green** is known to have committed the following acts in the
24 Designated Area, as defined in section III.8 of the Complaint in this matter:

25 i. On December 1, 2018, Defendant Green was contacted sleeping under a table in a
26 restaurant at 2431 Broadway. Upon refusing to leave, Defendant Green was issued
27 a Notice of Trespass and directed to depart from the premises. (Report # 18-
28 1816861).

- 1 ii. On December 1, 2018, Defendant Green was contacted at 2331 Broadway,
2 smoking a cigarette outside the front door of the business. Defendant Green was
3 served with a Notice of Trespass. (Report # 18-381131).
- 4 iii. Defendant Green was contacted on December 2, 2018, at 2331 Broadway.
5 Defendant Green had been previously issued a Notice of Trespass at the property
6 and was thus booked under Sacramento City Code section 9.16.140 (b) (1) for
7 trespass on private property. (Report # 18-382631).
- 8 iv. On December 13, 2018, Defendant Green was contacted inside McDonald's at
9 2331 Broadway after reports of Defendant Green standing in the drive-thru line
10 and threatening a subject. Defendant Green was issued a Notice of Trespass and
11 escorted home. (Report # 18-393711).
- 12 g. Defendant **Troy Green** is known to have committed the following acts in other areas
13 of the City of Sacramento:
- 14 i. On May 24, 2018, Defendant Green was contacted at 2350 Florin Road after
15 entering the business after security advised Defendant Green that only customers
16 could enter the business. Defendant Green was issued a Notice of Trespass at the
17 scene. (Report # 18-156780).
- 18 ii. On June 10, 2018, Defendant Green was contacted at 2350 Florin Road after
19 violating a Notice of Trespass for that location. Defendant Green was booked
20 under Sacramento City Code section 9.16.140(b)(1) for trespass on private
21 property. (Report # 18-176127).
- 22 iii. On October 30, 2018, Defendant Green was contacted inside 2335 Florin Road
23 scooping ice out of the fountain drink tray with his hand. Defendant Green was
24 served a Notice of Trespass and transported to the Powell Community Center by
25 request. (Report # 18-346624).
- 26 iv. On November 11, 2018, Defendant Green was contacted at 2335 Florin Road.
27 Defendant Green had been previously issued a Notice of Trespass at the property.

28 ///

1 Defendant Green was booked under Sacramento City Code section 9.16.140 (b)
2 (1) for trespass on private property. (Report # 18-360645).

3 v. On November 29, 2018, an officer contacted Defendant Green being held by
4 security at 2335 Florin Road. Defendant Green had been previously served a
5 Notice of Trespass at the property on October 30, 2018. Defendant Green was
6 booked under Sacramento City Code section 9.16.140(b)(1) for trespass on private
7 property. (Report # 18-379021).

8 h. Defendant **Kelvin Peterson** is known to have committed the following acts in the
9 Designated Area, as defined in section III.8 of the Complaint in this matter:

10 i. Defendant Peterson was contacted on April 13, 2017, under the freeway at 30th
11 Street and F Street. Defendant Peterson was cited under Sacramento City Code
12 section 12.52.040(a) for storage of property in a public place. The trash or debris
13 and large cart present blocked half of the sidewalk. (Report # 17-100000).

14 ii. On June 5, 2017, Defendant Peterson was contacted with several other subjects on
15 14th Street near 1331 Broadway after reports of subjects causing a disturbance and
16 yelling. Defendant Peterson and the other subjects had property blocking the
17 sidewalk, and were given a verbal warning and advised to seek out resources for
18 homelessness. (Report # 17-1003).

19 iii. Defendant Peterson was contacted on November 10, 2017, near the intersection of
20 18th Street and X Street setting up a camp for the night. Defendant Peterson had
21 an active misdemeanor warrant. Defendant Peterson had on his person a clear bag
22 of methamphetamine. Defendant Peterson was booked for his misdemeanor
23 warrant and under Health and Safety Code section 11377 for possession of a
24 controlled substance. (Report # 17-324241).

25 iv. On December 16, 2017, Defendant Peterson was contacted at 15th Street and X
26 Street. Defendant Peterson had an active warrant and was charged with Health
27 and Safety Code section 11350(a) – possession of controlled substances. (Report #
28 17-359353).

- 1 v. On January 3, 2018, Defendant Peterson was contacted at X Street and 14th Street
2 under the Highway 50 overpass. Defendant Peterson had been contacted the day
3 prior in the same location. Defendant Peterson was cited for camping unlawfully
4 in violation of Sacramento City Code section 12.52.050. (Report # 18-2011).
- 5 vi. On May 5, 2018, Defendant Peterson was contacted at 10th Street and X Street
6 after complaints of illegal camping. Defendant Peterson was arrested on an
7 unrelated warrant. (Report # 18-133464).
- 8 vii. On June 24, 2018, officers responded to complaints of unlawful camping in the
9 area of 22nd Street and W Street and contacted Defendant Peterson. Defendant
10 Peterson had an active warrant and was charged under Health and Safety Code
11 section 11350(a) for unlawful possession of controlled substances. (Report # 18-
12 192116).
- 13 viii. On August 3, 2018, Defendant Peterson was contacted in the area of 2331
14 Broadway. Upon performance of a probation search Defendant Peterson was found
15 to be in possession of used needles and scorched metal caps and a pop-top container
16 that tested positive for heroin residue. Defendant Peterson was issued a citation for
17 Health and Safety Code section 11364 and Penal Code section 1203.2 (possessing
18 drug paraphernalia). (Report # 18-242182).
- 19 ix. On August 16, 2018, Defendant Peterson was contacted on the north curb line of
20 W Street after being seen panhandling at the Highway 50 offramp at 16th Street.
21 In Defendant Peterson's bag was a medicine bottle with prescription pills belonging
22 to another subject that Defendant Peterson said he found in a dumpster. Defendant
23 Peterson was cited for Health and Safety Code section 11350(a), possession of a
24 controlled substance. (Report # 18-259470).
- 25 i. Defendant **Kelvin Peterson** is known to have committed the following acts in other
26 areas of the City of Sacramento:

27 ///

28 ///

- 1 i. On January 18, 2017, Defendant Peterson was issued a citation at 30th Street and
2 G Street for violation of Sacramento City Code section 12.52.030 (a) – unlawful
3 camping. (TK # CS0145693).
- 4 ii. On February 3, 2017, Defendant Peterson was contacted along with several other
5 subjects under the Capital City Freeway between 29th Street and 30th Street.
6 Defendant Peterson and subjects were advised that they needed to find somewhere
7 else to be and could not camp and block the sidewalk. (Report # 17-229).
- 8 iii. On February 19, 2017, Defendant Peterson was issued a citation at 29th Street and
9 G Street for violation of Sacramento City Code section 12.52.030 (a) – unlawful
10 camping. (TK # CS0145720).
- 11 iv. On March 2, 2017, Defendant Peterson was issued a citation at 29th Street and G
12 Street for violation of Sacramento City Code section 12.52.040 (a) – unlawful
13 storage of personal property on public property. (TK # CS0036031).
- 14 v. On April 9, 2017, Defendant Peterson was issued a citation at 29th Street and F
15 Street for violation of Sacramento City Code section 12.52.040 (a) – unlawful
16 storage of personal property on public property. (TK # CS0051098).
- 17 vi. On April 13, 2017, Defendant Peterson was contacted under the freeway at G
18 Street and 30th Street. Defendant Peterson was cited for a violation of Sacramento
19 City Code section 12.52.040 (a) – storage of property in an unlawful place. (Report
20 # 17-5048).
- 21 vii. On February 16, 2018, Defendant Peterson was contacted at 16th Street and
22 Victorian Alley. Defendant Peterson had multiple active warrants. Defendant
23 Peterson was charged under Healthy and Safety Code section 11350 (a) –
24 possession of a controlled substance – and Sacramento City Code section
25 12.52.030 (a) for unlawful camping. (Report # 18-49922).
- 26 viii. On June 6, 2018, Defendant Peterson was contacted at 2212 19th Street and was
27 found to have an active no-bail warrant. Defendant Peterson was charged under

28 ///

1 Health and Safety Code section 11350 (a) – unlawful possession of a controlled
2 substance. (Report # 18-171857).

3 ix. On July 10, 2018, Defendant Peterson was issued an infraction at S Street and 21st
4 Street for violation of Vehicle Code section 21453(a) – failure to stop at a red signal.
5 Defendant Peterson was on a bicycle. (TK # CS0183507).

6 j. Defendant **Kenneth Whitlock** is known to have committed the following acts in the
7 Designated Area, as defined in section III.8 of the Complaint in this matter:

8 i. On January 4, 2017 Defendant Whitlock was contacted at 15th Street and W Street
9 and cited under Sacramento City Code section 12.52.030(a) for unlawful camping.
10 (TK # CS0145170).

11 ii. On January 18, 2017, Defendant Whitlock was contacted at X Street and 15th
12 Street and cited under Sacramento City Code section 5.116.210 for panhandling.
13 (TK # CS0162515).

14 iii. On February 17, 2017, Defendant Whitlock was contacted at X Street and 15th
15 Street and cited under Sacramento City Code section 5.116.210 for panhandling.
16 (TK # CS0162688).

17 iv. On July 1, 2017, Defendant Whitlock was contacted camping with other subjects
18 in an empty field at 1000 X Street. Defendant Whitlock gathered his belongings
19 and left the scene. (Report # 17-1120).

20 v. On December 27, 2017, Defendant Whitlock was contacted at 2230 16th Street
21 where bedding, bags and other personal property were set up. Defendant Whitlock
22 was advised about unlawful camping and gathered his belongings and left. (Report
23 # 17-2037).

24 vi. Defendant Whitlock was contacted on November 11, 2017, at 2505 Riverside
25 Boulevard after reports of Defendant Whitlock refusing to leave the property.
26 Defendant Whitlock was served with a Notice of Trespass. (Report # 17-324979).

27 vii. On December 7, 2017, Defendant Whitlock was contacted on 18th Street between
28 W Street and X Street. Defendant Whitlock was surrounded by shopping carts and

1 bags that formed the perimeter of an encampment that had previously been posted
2 with several Notices to Vacate. Defendant Whitlock was arrested for Sacramento
3 City Code sections 12.52.030(a) and 12.52.30(a) for unlawful storage and camping
4 on public property as well as for his outstanding warrants. (Report # 17-349889).

5 viii. On December 27, 2017, Defendant Whitlock was contacted at 1401 Broadway and
6 cited under Sacramento City Code section 5.116.210 for panhandling. (TK #
7 CS0063054).

8 ix. On January 11, 2018, Defendant Whitlock was contacted with other subjects on
9 16th Street between W Street and X Street. Defendant Whitlock had on his person
10 hypodermic needles and other paraphernalia. Defendant Whitlock and others were
11 advised that they were in a high narcotics area and that loitering would lead to
12 arrest. (Report # 18-10097).

13 x. On January 27, 2018, Defendant Whitlock was contacted at Victorian Alley and
14 16th Street. Defendant Whitlock had three active warrants. Defendant Whitlock
15 was charged under Penal Code section 484(a) for theft of personal property and
16 Sacramento City Code section 12.52.030(a) for unlawful camping. (Report # 18-
17 27258).

18 xi. On April 8, 2018, Defendant Whitlock was contacted at 15th Street and W Street
19 and charged under Sacramento City Code section 12.52.030(a) for unlawful
20 camping on public property. (Report # 18-3740).

21 xii. On April 29, 2018, Defendant Whitlock was contacted at 15th Street and X Street
22 in response to complaints of unlawful camping. Defendant Whitlock and another
23 subject had property spread out that had been at the location in excess of 48 hours
24 since the location had been posted with a Notice to Vacate. Defendant Whitlock
25 was issued a citation for Sacramento City Code section 12.52.040(a) – unlawful
26 storage of property. (Report # 18-126633).

27 xiii. On June 13, 2018, Defendant Whitlock was contacted in front of a Target at 2505
28 Riverside Boulevard. Defendant Whitlock had been previously served a Notice of

1 Trespass at that location and was on probation with the requirement of staying
2 away from all Targets in Sacramento County. Defendant Whitlock could not be
3 booked at the County Jail as he had open MRSA sores on his body and thus was
4 told to leave the premises. (Report # 18-179544).

5 xiv. On July 9, 2018, Defendant Whitlock was contacted in a Starbucks parking lot at
6 1429 Broadway. Defendant Whitlock had two misdemeanor warrants for his arrest
7 and was in possession of one hypodermic needle and a single live bullet. Defendant
8 Whitlock was placed under arrest for his warrants and Penal Code section 30305
9 for felony possession of ammunition. (Report # 18-211738).

10 xv. On September 11, 2018, Defendant Whitlock was contacted at 2431 28th Street
11 (Smart and Final parking lot). Defendant Whitlock was on probation and found to
12 be in possession of aluminum foil with black residue on it, as well as more than
13 thirty hypodermic needles. Defendant Whitlock was cited for possession of drug
14 paraphernalia under Health and Safety Code section 11364.1 (a). (Report # 18-
15 290588).

16 xvi. On October 18, 2018, Defendant Whitlock was contacted on 23rd Street between
17 X Street and W Street. Defendant Whitlock had a misdemeanor warrant for theft
18 of personal property and was arrested for his warrant. (Report # 18-344332).

19 k. Defendant **Joseph Soto** is known to have committed the following acts in the
20 Designated Area, as defined in section III.8 of the Complaint in this matter:

21 i. Defendant Soto was contacted on October 25, 2017, at Broadway and 13th Street
22 after being seen walking two bicycles around the area. Upon a probation search
23 Defendant Soto was found to be in possession of a four-inch glass pipe with white
24 residue on the interior. Defendant Soto was issued a citation for violating Health
25 and Safety Code section 11364(a) – possession of drug paraphernalia. (Report #
26 17-307245).

27 ii. On February 1, 2018, Defendant Soto was contacted on the sidewalk in the area of
28 16th Street and W Street. A probation search of Defendant Soto revealed a

1 cylindrical glass pipe in his pants pocket. Defendant Soto was issued a citation for
2 a violation of Health and Safety Code section 11364(a) – possession of drug
3 paraphernalia. (Report # 18-32070).

4 iii. On April 9, 2018, Defendant Soto was contacted at 1025 Alhambra Boulevard
5 (Safeway) after eating food without paying for it. Defendant Soto was issued a
6 Notice of Trespass. (Report # 18-104658).

7 iv. On April 14, 2018, Defendant Soto was contacted just west of 28th Street on
8 Broadway while walking down the street with a shopping cart. Defendant Soto
9 was found to be on probation and had an active misdemeanor warrant. Defendant
10 Soto was also in possession of a glass smoking pipe. Defendant Soto was cited
11 under Health and Safety Code section 11364 for possession of drug paraphernalia.
12 (Report # 18-109553).

13 v. On June 28, 2018, Defendant Soto was contacted at 2412 25th Street after reports
14 of subjects removing plywood from the windows of the building. Defendant Soto
15 was cited under Penal Code section 602.5 for trespass – entry of property. (Report
16 # 18-196959).

17 vi. On November 1, 2018, Defendant Soto was contacted at 1025 Alhambra
18 Boulevard, where Defendant Soto had previously been issued a Notice of Trespass
19 on April 9, 2018. Defendant Soto was cited under Sacramento City Code section
20 9.16.140(B)(1) for trespassing. (Report # 18-349480).

21 vii. On February 16, 2019, Defendant Soto was contacted at 2409 27th Street after
22 stealing a Sacramento Police Department “bait” bicycle. Defendant Soto also had
23 a misdemeanor warrant out for his arrest. Defendant Soto was cited under Penal
24 Code sections 484 for and 1203.2 for petty theft and violation of probation. (Report
25 # 19-50106).

26 1. Defendant **Joseph Soto** is known to have committed the following acts in other areas
27 of the City of Sacramento:

28 ///

- 1 i. Officers attempted to contact Defendant Soto on January 6, 2017, next to the
2 vacant building at 1508 Alhambra Boulevard. Upon requests by officers to stop
3 walking away, Defendant Soto began to run and was apprehended in front of 1525
4 Stockton Boulevard. Defendant Soto was on active felony formal probation and
5 was in possession of a clear glass pipe. Defendant Soto was placed under arrest for
6 Penal Code sections 1203.2 and 148(a)(1) for violation of probation and resisting a
7 public officer, and Health and Safety Code section 11364 - possession of drug
8 paraphernalia. (Report # 17-5449).
- 9 ii. On October 4, 2017, Defendant Soto was contacted at the light rail station at 3001
10 Florin Road. Defendant Soto was on a train without a ticket and was found to be
11 in possession of a glass pipe with a small bowl. Defendant Soto was cited under
12 Penal Code section 640 for fare evasion and Health and Safety Code section 11364
13 for possession of drug paraphernalia. (Report # 17-285923).
- 14 iii. On June 10, 2018, Defendant Soto was contacted at 1814 19th Street (Safeway).
15 Defendant Soto was observed drinking a soda and not paying. Defendant Soto was
16 escorted out of the store and issued a Notice of Trespass. (Report # 18-176306).
- 17 iv. On February 7, 2019, Defendant Soto was contacted sleeping in the area of 5th
18 Avenue and Portola Way. Defendant Soto was provided with a Notice of Trespass
19 and sent on his way. (Report # 19-40254).

20 15. As a result of Defendants' behavior, many residents and business owners in the
21 Designated Area have suffered emotional distress in the form of fear, intimidation and anxiety.
22 Citizens of the City and County of Sacramento avoid frequenting Broadway, and more
23 specifically the Designated Area, due to the reputation the area has gained because of the
24 Defendants' illegal nuisance activity. Unless and until the activity is restrained, it will continue
25 to cause great and irreparable injury to the residents and businesses within the Designated Area
26 in that their peace and tranquility and right to peace and enjoyment of the Designated Area
27 are being and have been disturbed, and in that their safety is in jeopardy.

28 ///

1 16. Plaintiff has no plain, speedy, or adequate remedy at law to prevent Defendants from
2 continuing to maintain the above-described public nuisance. The public nuisance will be
3 maintained unless restrained and enjoined by this court.

4 **WHEREFORE**, Plaintiff, the CITY OF SACRAMENTO prays for judgment as follows:

5 1. For an injunction enjoining Defendants, from:

6 (A) Being within the Designated Area as shown in **Exhibit A** at any time. The
7 Designated Area is shown on the map attached hereto as "**Exhibit A**" and is incorporated
8 herein by reference.

9 (B) Blocking or obstructing the free passage of any person or vehicle on any street,
10 walkway, sidewalk, driveway, alleyway, or other area of public passage;

11 (C) Taking any action that would impede, interfere, hinder, or otherwise obstruct any
12 investigation undertaken by any law enforcement or regulatory agency.

13 2. For such other and further relief as this Court may deem just and appropriate.

14
15 DATED: August 9, 2019

SUSANA ALCALA WOOD,
City Attorney


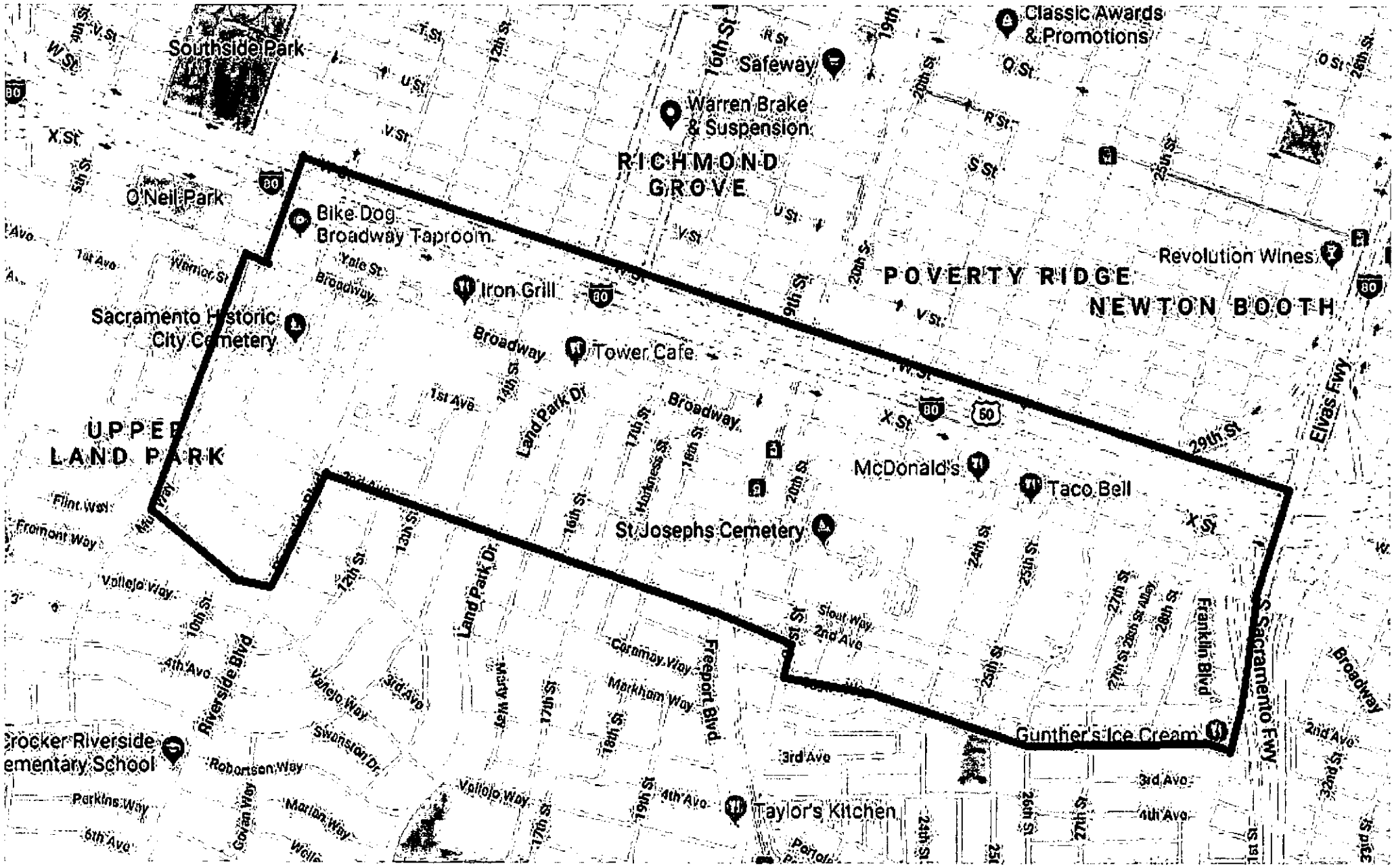
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17 By: 
18 MICHAEL I. BENNER
19 Senior Deputy City Attorney
20 Attorneys for the
21 CITY OF SACRAMENTO
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EXHIBIT A



Southside Park

O'Neil Park

RICHMOND GROVE

POVERTY RIDGE

NEWTON BOOTH

UPPER LAND PARK

Rocky Riverside Elementary School

Bike Dog
Broadway Taproom

Warren Brake & Suspension

Classic Awards & Promotions

Safeway

Revolution Wines

Sacramento Historic City Cemetery

Iron Grill

Tower Cafe

McDonald's

Taco Bell

St Josephs Cemetery

Gunther's Ice Cream

Taylor's Kitchen

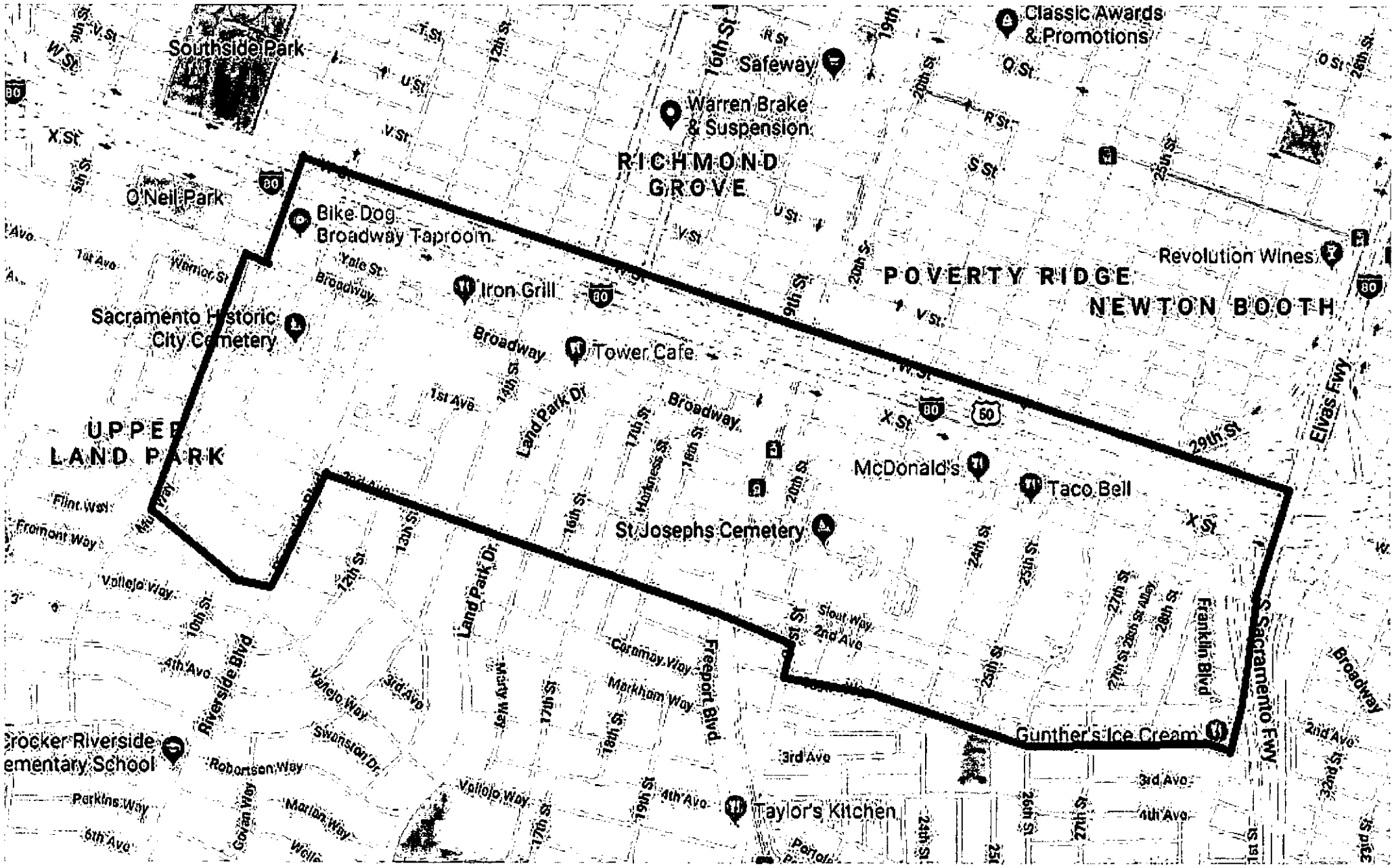
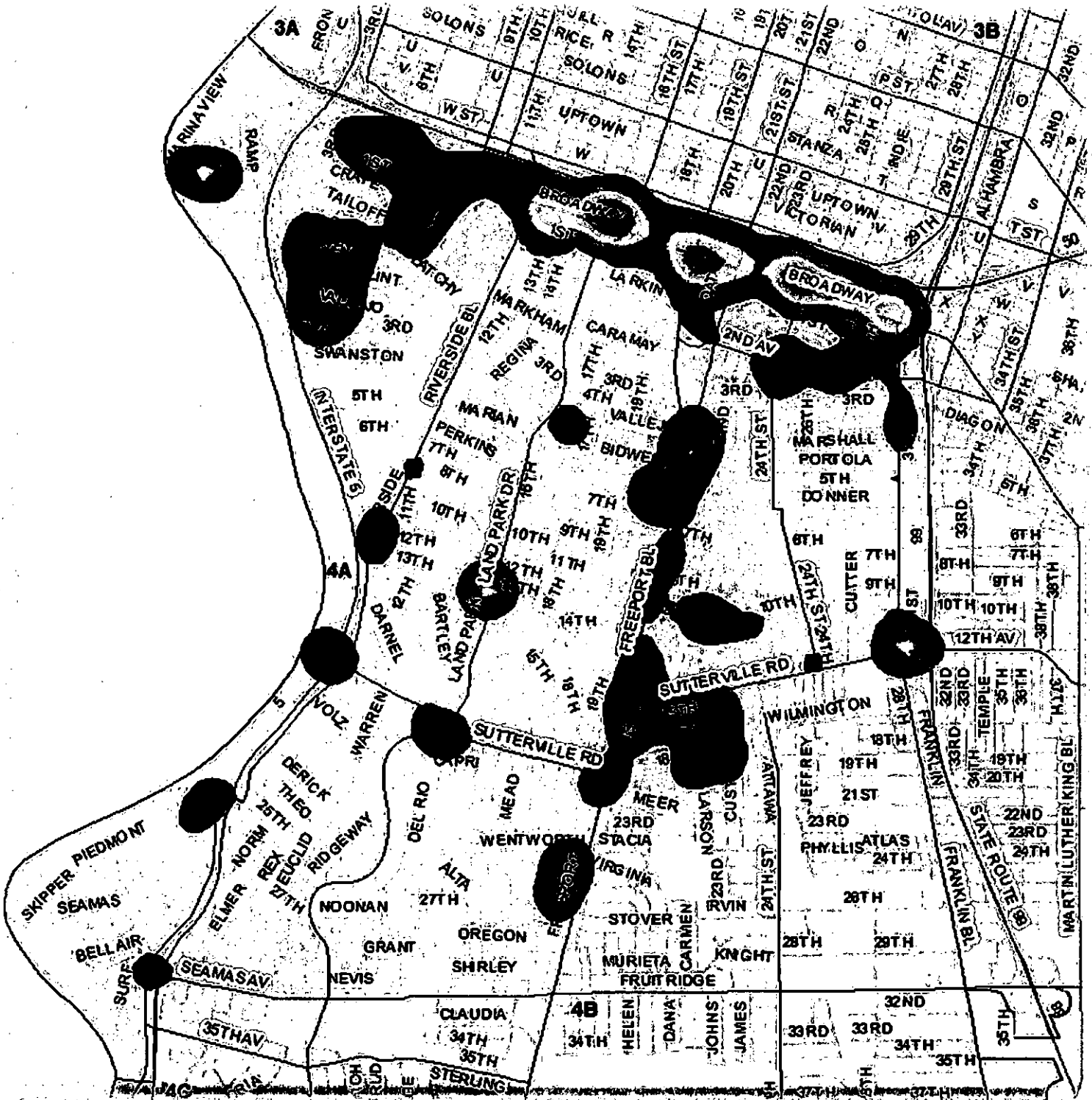


EXHIBIT B

Police Beat 4A Density Map

All Calls for Service Oct. 1, 2017 - Mar. 31, 2019



***Includes all Officer and Citizen Initiated Calls

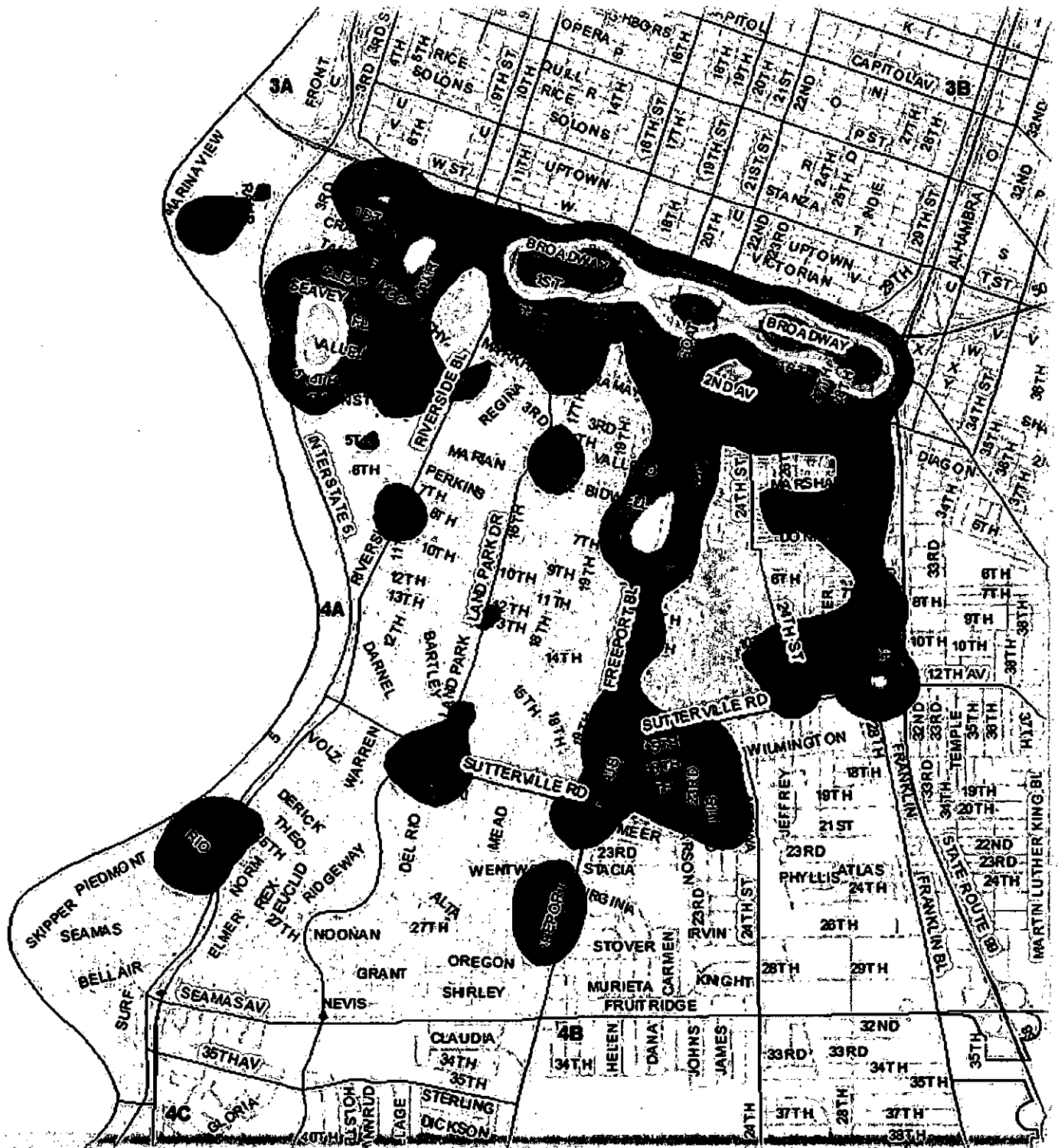
This information was produced for informational purposes only; it is limited by the information available and/or collected at the time the statistics were generated. This information is not a replacement for official UCR statistics, which are based on national reporting specifications and not reflected in the information provided herein.



Sacramento Police Department

Police Beat 4A Density Map

Police Report Locations Oct. 1, 2017 - Mar. 31, 2019



***Data Contains Crime and Information Reports

This information was produced for informational purposes only; it is limited by the information available and/or collected at the time the statistics were generated. This information is not a replacement for official UCR statistics, which are based on national reporting specifications and not reflected in the information provided herein.

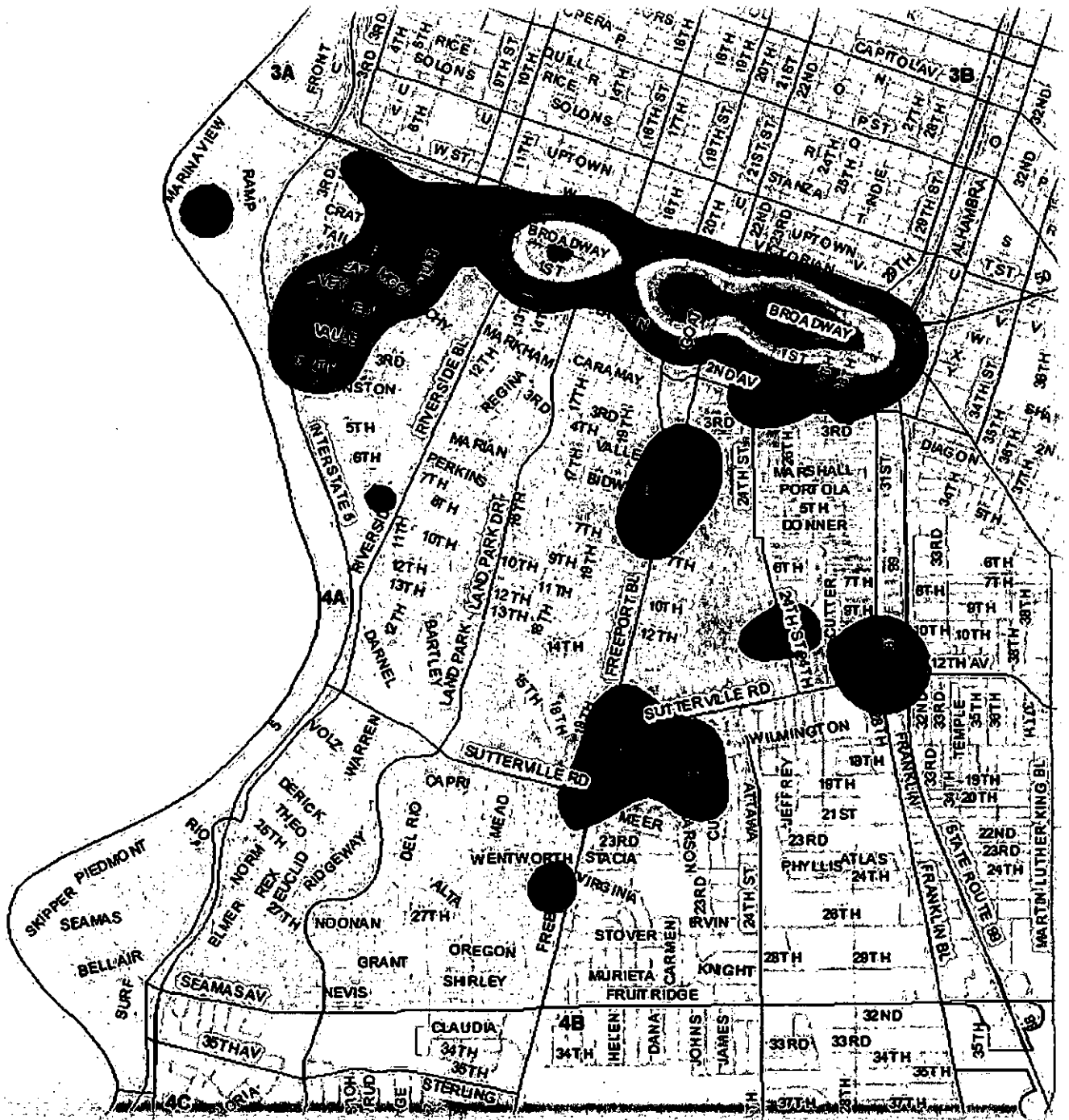


Sacramento Police Department

Analyst: R. Weaver, 4/16/19

Police Beat 4A Density Map

All Arrest Locations Oct. 1, 2017 - Mar. 31, 2019



*** Arrest Data includes warrant arrest, probable cause arrests, and cite and releases. Arrest Data does not include unlawful camping arrests/cites.

This information was produced for informational purposes only; it is limited by the information available and/or collected at the time the statistics were generated. This information is not a replacement for official UCR statistics, which are based on national reporting specifications and not reflected in the information provided herein.



Sacramento Police Department

EXHIBIT C

Police Beat 4A vs Focus Area

October 1, 2017- March 31, 2019

	Focus Area	Police Beat 4A	Focus Area Percent of 4A Total
Arrest	323	719	44.9%
Police Reports	1,389	4,472	31.1%
Calls for Service			
<i>Officer Initiated</i>	2,969	7,232	41.1%
<i>Citizen Initiated</i>	5,238	18,395	28.5%

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Sacramento Police Department

EXHIBIT D

1 SUSANA ALCALA WOOD, City Attorney (SBN 156366)
MICHAEL J. BENNER, Senior Deputy City Attorney (SBN 222472)
2 CITY OF SACRAMENTO
915 I Street, Room 4010
3 Sacramento, CA 95814-2608
Telephone: (916) 808-5346
4 Telecopier: (916) 808-7455

5 Attorneys for the CITY OF SACRAMENTO

6
7
8 SUPERIOR COURT OF CALIFORNIA
9 COUNTY OF SACRAMENTO

10
11 CITY OF SACRAMENTO, a municipal
12 corporation,

13 Plaintiff,

14 vs.

15 SEAN CONNER, MICHAEL DIBIASIO,
16 DIMITRIY GOLOGYUK, BRADLEY J.
17 GOODWIN, KELVIN C. PETERSON,
18 JOSHUA REAGEN, JOSEPH SOTO,
KENNETH WHITLOCK, and DOES 1 - 30,
inclusive,

19 Defendants.

Case No.:

**DECLARATION OF JOAN
BORUCKI**

Date:

Time:

Dept:

Trial Date: Not yet set for trial

20
21
22 I Joan Borucki, declare:

23 1. I am familiar with the facts set forth herein and if called upon, can and will
24 competently testify thereto.

25 2. I am the Executive Director of the Greater Broadway District. I work within close
26 proximity to Broadway between Riverside Boulevard and State Highway 99 (the "Designated
27 Area").
28

1 3. I am aware that our team is constantly dealing with the aftermath of drug activity
2 at the Designated Area. This includes dealing with the human waste, needle pick-up, theft, car
3 break-ins and vandalism on a daily basis. I have recently seen an increase in employees that are
4 threatened with harm by people who are under the influence of drugs. The Starbucks and/or
5 Walgreen locations are a known narcotics distribution area and people are refusing to visit those
6 businesses.

7 4. I have knowledge of the recent increase of employees requesting security staff to
8 walk them to their cars. To my understanding, the employees at the convenience stores at the
9 various gas stations on Broadway are targets for threats from thieves in their stores. Our team
10 has encouraged businesses to report all encounters to the police and to make contact with our
11 security service company when the need arises.

12 5. I have knowledge that about two weeks ago, a young couple on their way to Lake
13 Tahoe stopped by Tower Café for a late dinner. That evening, the couple's car was broken into,
14 along with four other cars in the parking lot. The thief took the couple's suitcases, which
15 contained an engagement ring that the man was going to surprise the woman with that
16 weekend. The couple shared their bad experience with friends and family and made it clear that
17 they would never stop by Sacramento again.

18 6. It is my opinion that the increase in crimes in the Designated Area has negatively
19 impacted the neighborhood and/or the community. I am aware that some developers have
20 stated that they have had a hard time keeping and/or attracting investors for projects on
21 Broadway because of its reputation, appearance and reputation of criminal activity in the
22 Designated Area.

23 I declare under penalty of perjury according to the laws of the State of California that
24 the foregoing is true and correct to the best of my knowledge and recollection.

25 Executed on July 15, 2019 in Sacramento, California.

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27
28 
JOAN BORUCKI
2

DECLARATION OF JOAN BORUCKI

1 SUSANA ALCALA WOOD, City Attorney (SBN 156366)
2 MICHAEL J. BENNER, Senior Deputy City Attorney (SBN 222472)
3 CITY OF SACRAMENTO
4 915 I Street, Room 4010
5 Sacramento, CA 95814-2608
6 Telephone: (916) 808-5346
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8 Attorneys for the CITY OF SACRAMENTO

9 SUPERIOR COURT OF CALIFORNIA
10 COUNTY OF SACRAMENTO

11 CITY OF SACRAMENTO, a municipal
12 corporation,

13 Plaintiff,

14 vs.

15 SEAN CONNER, MICHAEL DIBIASIO,
16 DIMITRIY GOLOGYUK, TROY GREEN,
17 KELVIN C. PETERSON, JOSEPH SOTO,
18 and KENNETH WHITLOCK, and DOES 1 -
19 30, inclusive,

20 Defendants.

Case No.:

DECLARATION OF ROBERT ELLIS

Date:

Time:

Dept:

Trial Date: Not yet set for trial

21 I Robert Ellis declare:

22 1. I am familiar with the facts set forth herein and if called upon, can and will
23 competently testify thereto.

24 2. I reside within close proximity to Broadway between Riverside Boulevard and State
25 Highway 99 (the "Designated Area"). I also own a rental property within close proximity to
26 the Designated Area.

27 3. I have knowledge of the ongoing criminal activities occurring in the Designated
28 Area attributable to narcotic related activities, prostitution, nudity, defecation, graffiti, littering,

1 aggressive panhandling by individuals, to name a few. I found that most problems occurred
2 along X Street and Broadway between 14th and 21st Streets.

3 4. I have personally observed trash, drug paraphernalia and drug activities being
4 conducted in the Designated Area.

5 5. On numerous occasions while in the Designated Area, I have had individuals
6 verbally threatened me. I have at times reported these incidents to the security and the police
7 department. I believe that these problems have a negative impact on the neighborhood.

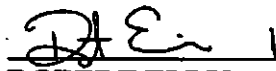
8 6. I am aware of businesses and persons that do not want to rent commercial or
9 residential units along Broadway because of the criminal activity. I am aware of the excessive
10 criminal activity problem in the Broadway area, which makes many residents feel unsafe to live
11 and/or operate a business in the Designated Area.

12 7. It is my opinion that the primary problem in the Designated Area is excessive
13 criminal activity. This issue has generated various narcotic related activities, including narcotic
14 possession, sale and littering of drug paraphernalia, which makes people fear for their safety to
15 walk around the Designated Area.

16 I declare under penalty of perjury according to the laws of the State of California that
17 the foregoing is true and correct to the best of my knowledge and recollection.

18 Executed on July 24, 2019 in Sacramento, California.

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ROBERT ELLIS

1 SUSANA ALCALA WOOD, City Attorney (SBN 156366)
MICHAEL J. BENNER, Senior Deputy City Attorney (SBN 222472)
2 CITY OF SACRAMENTO
915 I Street, Room 4010
3 Sacramento, CA 95814-2608
Telephone: (916) 808-5346
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5 Attorneys for the CITY OF SACRAMENTO

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8 SUPERIOR COURT OF CALIFORNIA
9 COUNTY OF SACRAMENTO

10
11 CITY OF SACRAMENTO, a municipal
corporation,

12
13 Plaintiff,

14 vs.

15 SEAN CONNER, MICHAEL DIBIASIO,
16 DIMITRIY GOLOGYUK, TROY GREEN,
17 KELVIN C. PETERSON, JOSEPH SOTO,
and KENNETH WHITLOCK, and DOES 1 -
18 30, inclusive,

19 Defendants.

Case No.:

**DECLARATION OF JON
GIANULIAS**

Date:

Time:

Dept:

Trial Date: Not yet set for trial

20
21
22 I Jon Gianulias, declare:

23 1. I am familiar with the facts set forth herein and if called upon, can and will
24 competently testify thereto.

25 2. I reside within close proximity to Broadway between Riverside Boulevard and State
26 Highway 99 (the "Designated Area"). I own and operate four businesses within close proximity
27 to the Designated Area. I also have a rental property within close proximity to the Designated
28 Area.

1 3. I am aware that on two occasions, a man walked into the Chipotle building at 1601
2 Broadway, which opened in December 2018, with a knife and threatened everyone. I am further
3 aware that a person entered into Noah's Bagels, hid in the corner, urinated and defecated on
4 the building by their doors.

5 4. I believe that the growing issues of homelessness and rising criminal activity have
6 blighted the condition of the neighborhood in the Designated Area. I believe that the City
7 should find a way to address the excessive criminal activity.

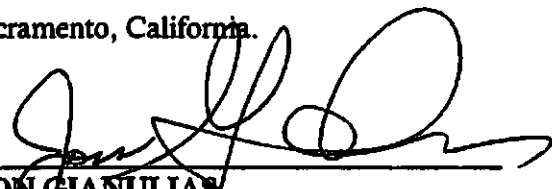
8 5. Because of the rising criminal activity in the Designated Area, I believe that the
9 property values and/or rent have been negatively affected. To my knowledge, property owners
10 in the Designated Area are unable to charge a comparable housing rent than property owners
11 in nearby midtown.

12 6. I believe that because of the neighborhood blight resulting from the excessive
13 criminal activity, investors are discouraged to purchase homes and/or engage in any business
14 ventures in the Designated Area.

15 7. I am aware that sometimes camps have dogs that defecate. I am further aware that
16 there are vans and motorhomes underneath the 50/80 crosstown freeway and surrounding
17 neighborhood that are used to sell drugs, including meth and heroin. This hurts every property
18 owner, tenant and its patrons.

19 I declare under penalty of perjury according to the laws of the State of California that
20 the foregoing is true and correct to the best of my knowledge and recollection.

21 Executed on July 17, 2019 in Sacramento, California.

22
23 
24 **JON GIANULIAS**

25
26
27
28

1 SUSANA ALCALA WOOD, City Attorney (SBN 156366)
MICHAEL J. BENNER, Senior Deputy City Attorney (SBN 222472)
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6
7
8 SUPERIOR COURT OF CALIFORNIA
9 COUNTY OF SACRAMENTO
10

11 CITY OF SACRAMENTO, a municipal
12 corporation,
13 Plaintiff,
14 vs.
15 SEAN CONNER, MICHAEL DIBLASIO,
16 DIMITRIY GOLOGYUK, TROY GREEN,
17 KELVIN C. PETERSON, JOSEPH SOTO,
and KENNETH WHITLOCK, and DOES 1 -
18 30, inclusive,
19 Defendants.

Case No.:
DECLARATION OF KEVIN
GRIMES
Date:
Time:
Dept:
Trial Date: Not yet set for trial

20
21 I Kevin Grimes, declare:

- 22 1. I am familiar with the facts set forth herein and if called upon, can and will
23 competently testify thereto.
24 2. I operate a business within close proximity to Broadway between Riverside
25 Boulevard and State Highway 99 (the "Designated Area").
26 ///
27 ///
28 ///

1 3. I have knowledge that on numerous occasions, illegal activities have been
2 conducted in the Designated Area, pertaining to narcotic sales and possession, prostitution,
3 public intoxication, unlawful trespass, graffiti, vandalism, assault to name a few.

4 4. I am aware that on several occasions, individuals have entered into my business
5 premises where they aggressively approached my staff for a key to use the restroom and/or ask
6 for money. I am aware that on multiple times, my employees have been harassed and
7 threatened while walking to their car after their shifts. I am aware that individuals have entered
8 into the rear of the building trying to lock themselves in a bathroom. I am further aware that on
9 one occasion, our dumpster was lit on fire, and security and fire department were called to
10 respond. I have knowledge that recently, our delivery trucks were vandalized. The batteries
11 and the fuel were stolen.

12 5. I believe that certain parts of the Designated Area have growing amount of illegal
13 dumping, litter, graffiti and other crimes. I believe that these areas have had to employ their
14 own private security and private maintenance companies to help alleviate this problem.

15 6. It is my opinion that the ongoing criminal activity in the Designated Area have
16 negatively impact the community because they drive away businesses and depreciate property
17 values.

18 7. I believe that people feel unsafe in a neighborhood where criminal activity is
19 ongoing. Among the common crimes observed at the Designated Area were drinking in public,
20 littering, aggressive pandhandling, prostitution, intravenous drug use and public
21 urination/defecation, to name a few.

22 8. I am aware that the Designated Area has had an increase private security and police
23 presence within the past year, which improves, but does not solve, the safety concerns faced by
24 business owners, customers and residents.

25 I declare under penalty of perjury according to the laws of the State of California that
26 the foregoing is true and correct to the best of my knowledge and recollection.

27 Executed on July 16, 2019 in Sacramento, California.

28



KEVIN GRIMES

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1 SUSANA ALCALA WOOD, City Attorney (SBN 156366)
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9 SUPERIOR COURT OF CALIFORNIA
10 COUNTY OF SACRAMENTO

11 CITY OF SACRAMENTO, a municipal
12 corporation,

13 Plaintiff,

14 vs.

15 SEAN CONNER, MICHAEL DIBIASIO,
16 DIMITRIY GOLOGYUK, TROY GREEN,
17 KELVIN C. PETERSON, JOSEPH SOTO,
18 and KENNETH WHITLOCK, and DOES 1 -
19 30, inclusive,

20 Defendants.

Case No.:

DECLARATION OF JOSH NELSON

Date:

Time:

Dept:

Trial Date: Not yet set for trial

21
22 I Josh Nelson, declare:

23 1. I am familiar with the facts set forth herein and if called upon, can and will
24 competently testify thereto.

25 2. I reside within close proximity to Broadway between Riverside Boulevard and State
26 Highway 99 (the "Designated Area"). I own and operate a business within close proximity to
27 the Designated Area. I also own a rental property within close proximity to the Designated
28 Area.

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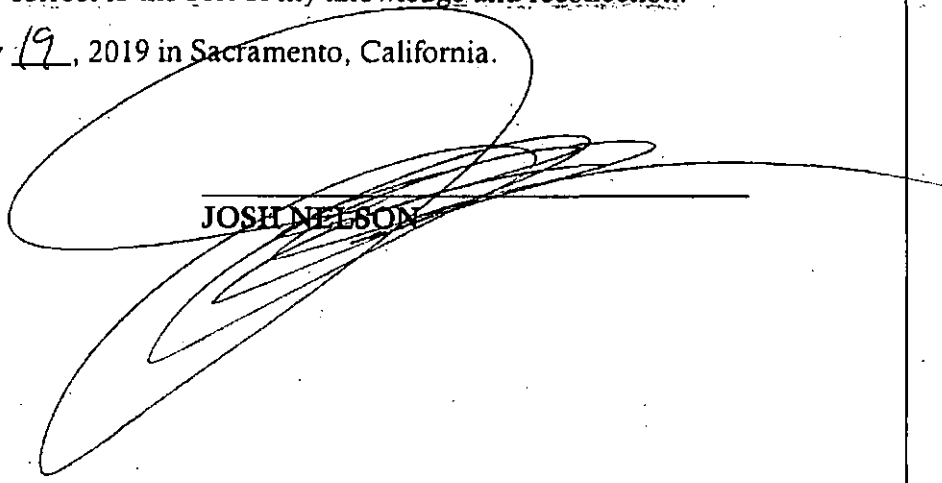
3. I have knowledge that there is ongoing criminal activity occurring in the Designated Area, to include drug dealing, panhandling, and theft crimes, to name a few.

4. I have been threatened with violence on several occasions by individuals when I asked them to leave the business premises.

5. I believe that the rising criminal activity in the Designated Area have blighted the neighborhood and have negatively impacted property values in these areas.

I declare under penalty of perjury according to the laws of the State of California that the foregoing is true and correct to the best of my knowledge and recollection.

Executed on July 19, 2019 in Sacramento, California.



A large, stylized handwritten signature in black ink, appearing to read 'JOSH NELSON', is written over a horizontal line. The signature is highly cursive and loops around the line.

JOSH NELSON

1 SUSANA ALCALA WOOD, City Attorney (SBN 156366)
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6
7
8 SUPERIOR COURT OF CALIFORNIA
9 COUNTY OF SACRAMENTO

11 CITY OF SACRAMENTO, a municipal
12 corporation,
13 Plaintiff,
14 vs.
15 SEAN CONNER, MICHAEL DIBIASIO,
16 DIMITRIY GOLOGYUK, TROY GREEN,
17 KELVIN C. PETERSON, JOSEPH SOTO,
18 and KENNETH WHITLOCK, and DOES 1 -
30, inclusive,
19 Defendants.

Case No.:
DECLARATION OF ASHNEED
PRASAD
Date:
Time:
Dept:
Trial Date: Not yet set for trial

21 I Ashneed Prasad declare:

- 22 1. I am familiar with the facts set forth herein and if called upon, can and will
23 competently testify thereto.
24 2. I own a business and rental property within close proximity to Broadway between
25 Riverside Boulevard and State Highway 99 (the "Designated Area").
26 3. I have witnessed the ongoing criminal activities occurring in the Designated Area
27 attributable to shop lifting, loitering and panhandling.

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4. I have personally observed the Designated Area as being a haven for criminal activity, which negatively impacts the neighborhood and the community.

I declare under penalty of perjury according to the laws of the State of California that the foregoing is true and correct to the best of my knowledge and recollection.

Executed on July 15, 2019 in Sacramento, California.



ASHNEED PRASAD

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7
8 SUPERIOR COURT OF CALIFORNIA
9 COUNTY OF SACRAMENTO

10
11 CITY OF SACRAMENTO, a municipal
corporation,

12
13 Plaintiff,

14 vs.

15 SEAN CONNER, MICHAEL DIBIASIO,
16 DIMITRIY GOLOGYUK, TROY GREEN,
17 KELVIN C. PETERSON, JOSEPH SOTO,
and KENNETH WHITLOCK, and DOES 1 -
18 30, inclusive,

19 Defendants.

Case No.:

**DECLARATION OF ANDREW
SKANCHY**

Date:

Time:

Dept:

Trial Date: Not yet set for trial

20
21 I Andrew Skanchy declare:

22 1. I am familiar with the facts set forth herein and if called upon, can and will
23 competently testify thereto.

24 2. I reside within close proximity to Broadway between Riverside Boulevard and State
25 Highway 99 (the "Designated Area"). I also own a rental property within close proximity to
26 the Designated Area.

27 3. I have knowledge that there are ongoing criminal activities occurring in the
28 Designated Area attributable to narcotic related activities, prostitution, nudity, defecation,

1

DECLARATION OF ANDREW SKANCHY

1 graffiti, littering, aggressive panhandling, to name a few. I found that most problems occurred
2 along X Street and Broadway between 14th and 21st Streets.

3 4. I have personally observed the presence of trash, drug paraphernalia and drug users
4 all over the Designated Area.

5 5. On numerous occasions while at the Designated Area, I have had individuals
6 verbally threatened me. I have at times reported these incidents to the security and to the police
7 department. I believe that this problem has negatively impacted the Broadway neighborhood.

8 6. I am aware of restaurants and persons that do not want to rent commercial or
9 residential units along Broadway because of the criminal activity. I believe that many residents
10 feel unsafe to live and/or operate a business at or near the Designated Area.

11 7. It is my opinion that the primary problem in the Designated Area is the excessive
12 criminal activity. This problem has greatly contributed to the increase in narcotic related crimes,
13 including narcotic possession, sale and littering of drug paraphernalia. This made many people
14 fear for their safety to walk around the Designated Area.

15 I declare under penalty of perjury according to the laws of the State of California that
16 the foregoing is true and correct to the best of my knowledge and recollection.

17 Executed on July 15, 2019 in Sacramento, California.

18
19
20 

20 **ANDREW SKANCHY**

EXHIBIT E

1 SUSANA ALCALA WOOD, City Attorney (SBN 156366)
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8 Attorneys for the CITY OF SACRAMENTO

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SUPERIOR COURT OF CALIFORNIA
COUNTY OF SACRAMENTO

CITY OF SACRAMENTO, a municipal
corporation,

Plaintiff,

vs.

SEAN CONNER, MICHAEL DIBIASIO,
DIMITRIY GOLOGYUK, TROY GREEN;
KELVIN PETERSON; KENNETH
WHITLOCK; JOSEPH SOTO; and DOES 1
through 100, inclusive

Defendants.

Case No.:

**DECLARATION OF SACRAMENTO
POLICE SERGEANT GREG
GALLIANO IN SUPPORT OF
PLAINTIFF'S PRELIMINARY
INJUNCTION**

Date:
Time:
Dept:

I, GREG GALLIANO, declare as follows:

1. I have personal knowledge of the facts stated herein, except to that which is stated on information and belief, and if called to testify, I could and would competently testify to such facts of which I have personal knowledge.

2. I am currently employed with the City of Sacramento Police Department and have been so for approximately the past thirteen (13) years. I am presently assigned to the Sacramento

1 Police Departments South Problem Oriented Police Team (POP), with patrol areas that include
2 neighborhoods known as Broadway, Upper Land Park, Land Park, and Curtis Park. POP
3 officers incorporate the newest techniques of community-oriented policing in an effort to reduce
4 crime and disorder by carefully examining the characteristics of problem neighborhoods and
5 then applying appropriate problem solving remedies. The "community" for which a POP officer
6 is given responsibility is a small, well-defined geographical area. Community policing places an
7 emphasis in making community members active participants in the process of problem solving.

8 3. One of the primary goals of a POP Team and the community policing practice is
9 to obtain community support and use of community resources to solve problems and enhance
10 their quality of life. For instance, our POP Team regularly responds to meet with members of
11 our neighborhoods at community meetings and in response to complaints. At these meetings, the
12 South POP team discusses concerns citizens have about crime, quality of life issues, ways to
13 improve the neighborhood or other related topics. Community members voice their concerns,
14 contribute advice, and take action to address concerns they may have. Through such contacts
15 with local community members I have become familiar with important issues and what is
16 perceived as "pressing problems" in and near the Broadway corridor near the area of Upper
17 Land Park and Curtis Park.

18 4. During my tenure with the Sacramento Police Department, I have undergone
19 training in the area of narcotics, community-oriented policing and nuisance abatement. In the
20 past, I served as a patrol officer where I regularly would arrest and/or cite subjects pertaining to
21 narcotics sales, possession, loitering and public intoxication. Presently, as a police sergeant, I
22 direct the action, complaints and supervision of officers regarding these same issues.

23 5. The Broadway corridor is located in the patrol district known as Land Park and
24 spans from Muir Way to Franklin Blvd. It is boarded by X St to the north and 2nd Ave to the
25 south. The corridor is composed primarily of businesses with some residential buildings. Many
26 of these businesses have voiced complaints to our POP team and have encountered problems by
27 individuals who are drawn to this corridor. Many residents have also voiced concerns and have

1 been negatively impacted by individuals who are drawn to this area. This corridor has been the
2 focus of many complaints, which are attributable in large part, to certain individuals who are
3 drawn to the Broadway Corridor because of the criminal activities that take place there.

4 6. For years, the Broadway corridor has been a place where individual may go to
5 purchase, acquire and use narcotics related paraphernalia. Drugs, including cocaine, heroin and
6 methamphetamines, can be acquired inexpensively. The Broadway corridor has many alley ways
7 and businesses with overhangs. There are also many locations with large, mature tree cover. The
8 concealed alleyways and shaded areas create a prime location where people can hangout for
9 hours at a time. This allows for individuals to congregate. There are also multiple quick access
10 points to the corridor provided by Highway 50. This allows drug dealers quick ingress and
11 egress. Drug dealers can be assured there will be willing buyers long the Broadway corridor and
12 can easily arrive, sell, then leave in a short period of time. Those who drugs will congregate and
13 use narcotics in the area. This results in narcotics paraphernalia such as needles being
14 indiscriminately used and left on the ground. In recent months the number of dealers, criminal
15 element, and those who are under the influence of narcotics seems to have increased in
16 frequency.

17 7. I am familiar with the manner in which the police department maintains, stores
18 and controls such information. I am familiar with the police department's computer system, how
19 the information is electronically stored and how such information can be accessed and retrieved.

20 8. Attached hereto as Exhibit 1 are density maps of Police Beat 4A, which
21 encompasses the Broadway corridor. These maps depict the arrests, calls for service, and police
22 reports generated in Police Beat 4A. As can be seen from the attached maps, the Broadway
23 corridor is responsible for an inordinate amount of police resources compares to the rest of the
24 Beat. Attached as Exhibit 2 are the actual statistics for arrests, police reports, and calls for service
25 for the entirety of Police Beat 4A compared to the Broadway corridor. From October 1, 2017 to
26 March 31, 2019, there have been a total of 5,238 calls for service for the Broadway corridor. This
27 represents approximately 28.5 % percent for the entire Land Park Police district known as 4A.

1 This equates to an enormous amount of time and resources being expended to a relatively small
2 area located within the City Limits. Calls for service include, but are not limited to: loitering,
3 prostitution, public intoxication, littering and vandalism. As a result of the calls for service,
4 myself and others from the Sacramento Police Department have made multiple arrests and/or
5 issued citation for various crimes, including parole violation, robbery, vandalism, possession of
6 narcotics, sales of narcotics, assaults, fighting in public and public intoxication.

7 9. Many of the calls are due to narcotics related activity. These activities involve the
8 sale of controlled substances in violation of Health and Safety Code section 11378, possession of
9 methamphetamine in violation of Health and Safety Code 11377, possession of opiates in
10 violation of Health and Safety Code 11350 and possession of narcotics paraphernalia in violation
11 of Health and Safety Code 11364.1. Many of the criminal activities occurring on the Broadway
12 corridor are attributable to the narcotics related activities which attracts a criminal element to the
13 area. The individuals who are selling and using narcotics then engage in various criminal
14 activities which include, assault, fighting, loitering, indecent exposure and littering.

15 10. Based upon my patrol of the Broadway corridor, which has included undercover
16 surveillance, I have personally observed drug deals occurring in the area. The dealers will drive
17 up to people in alley ways and at homeless camps waiting for people to approach them and
18 inquire about purchasing drugs. Many subjects are often issued a notice of trespass for a given
19 location when contacts engaging in this and other criminal behavior. Subjects then move to an
20 adjacent business generating more calls for police service. This can create many calls for service
21 as subjects simply go from location to location, engaging in criminal activity throughout the
22 Broadway corridor.

23 11. The Sacramento Police Department maintains records on the number of calls for
24 service to a particular location and maintains a summary of what the call was regarding. Incident
25 reports or arrest reports are then drafted substantially contemporaneously in time to when a call
26 for service or police-initiated contact is made. The information is recorded and maintained in the
27 ordinary course and scope of business for the police department.

28

1 12. I have documented the following to identify each of the named defendants in this
2 action. Included is a list of the named defendants, their arrest and other contacts by the
3 Sacramento Police Department while on the Broadway corridor. This includes reviewing the list
4 of calls for service, street checks, arrest records, criminal history information and police reports.
5 All of the named defendants are homeless or do not live in the Broadway Corridor.

6 13. Defendants' Unlawful Activities

7 a. Defendant Sean Conner is known to have committed the following acts in the
8 Designated Area, as defined in section III.8 of the Complaint in this matter:

- 9 i. On January 14, 2018, Defendant Conner was contacted naked on a sidewalk at the
10 intersection of 14th Street and W Street. Defendant Conner was arrested for
11 disorderly conduct under Penal Code section 647 (f) – drunk in public. (Report #
12 18-13199).
- 13 ii. On April 10, 2018, Defendant Conner was found outside of the Starbucks at 1429
14 Broadway after reports of panhandling at the property but departed as the officer
15 was speaking with a property manager who wished to issue a Notice of Trespass to
16 Defendant Conner. Defendant Conner was then contacted at 2505 Riverside
17 Boulevard and issued a Notice of Trespass for the 1429 Broadway property.
18 (Report # 18-1805808).
- 19 iii. On April 11, 2018, Defendant Conner was contacted at 2505 Riverside Boulevard
20 after reports of Defendant Conner shoplifting from and refusing to leave from the
21 Walgreens at 1401 Broadway. Defendant Conner was issued a Notice of Trespass
22 for the property at 1401 Broadway. (Report # 18-106572).
- 23 iv. On April 29, 2018, Defendant Conner was contacted by Paladin Security at the
24 corner of 22nd Street and Broadway after reports of Defendant Conner refusing to
25 leave the Target at 2505 Riverside Boulevard. Defendant Conner was issued a
26 Notice of Trespass and informed that he was no longer allowed at 2505 Riverside
27 Boulevard. (Report # 18-1806218).

- 1 v. On May 15, 2018, Defendant Conner was contacted in the area of 23rd Street and
2 W Street. Defendant Conner had chased a victim with a baseball bat, then broke
3 the victim's front gate while threatening the victim's life. Defendant Conner was
4 booked under Penal Code section 422 on charges of felony threats as well as for
5 misdemeanor vandalism. (Report # 18-145873).
- 6 vi. On December 11, 2018, Defendant Conner was contacted just outside the property
7 of 1429 Broadway when officers responded to a report of a non-customer
8 identified as Defendant Conner refusing to leave the property. Defendant Conner
9 had been previously issued a Notice of Trespass at 1429 Broadway. Defendant
10 Conner was arrested for violation of Sacramento City Code section 9.16.140 (b)
11 (1) – trespass after notice. (Report # 18-391787).
- 12 vii. On December 16, 2018, Defendant Conner assaulted a victim between the bus
13 stop and the light rail station at the Broadway light rail station. Defendant Conner
14 was detained by an officer on the scene and booked under Penal Code section 368
15 (b) (1) – elder abuse – and Penal Code section 242 – battery. (Report # 18-397193).
- 16 viii. On March 12, 2019, Defendant Conner was contacted by Paladin Security at 2411
17 15th Street, after having previously been warned not to return to the property.
18 Defendant Conner was issued a Notice of Trespass. (Report # 19-1804077).
- 19 ix. On March 12, 2019, Defendant Conner was contacted at 1500 Broadway, after
20 reports that Defendant Conner would not leave the Starbucks across the street
21 (1429 Broadway). Defendant Conner had previously been issued a Notice of
22 Trespass at 1429 Broadway. Defendant Conner was cited for violation of
23 Sacramento City Code section 9.16.140 (b) – trespass after notice. (Report # 19-
24 76390).
- 25 x. On March 28, 2019, Defendant Conner was contacted at 2509 Broadway after
26 reports of a subject exposing himself in the back alleyway. Defendant Conner was
27 issued a Notice of Trespass and advised not to come back to the property. (Report
28

1 # 19-94270).

2 xi. On April 4, 2019, Defendant Conner was contacted at 2610 X Street after fighting
3 with private security and being detained. Defendant Conner was served with a
4 Notice of Trespass and asked to leave the property. (Report # 19-107530).

5 xii. Defendant Conner was contacted in the back-parking lot of 2610 X Street on May
6 3, 2019, after reports of a male masturbating within a public right-of-way. In
7 Defendant Conner's bag was a glass pipe used to smoke methamphetamines.
8 Defendant Conner was arrested for violating Health and Safety Code section
9 11364 – possession of controlled substance paraphernalia – as well as under Penal
10 Code section 602 – trespass. (Report # 19-137030).

11 b. Defendant Sean Conner is known to have committed the following acts in other areas
12 of the City of Sacramento:

13 i. On March 12, 2017, Defendant Conner was contacted at 1508 Q Street after
14 reports of Defendant Conner refusing to leave the property and threatening to
15 break a window. Defendant Conner was served with a Notice of Trespass. (Report
16 # 17-70736).

17 ii. On March 24, 2017, Defendant Conner was contacted at 1700 J Street after
18 reports of a subject being thrown out of the window of the business. Defendant
19 Conner had assaulted a subject on the street, who had pushed Defendant Conner
20 back and through the window. Defendant Conner appeared fidgety and slightly
21 disoriented and was placed on a 5150 Welfare and Institutions hold. (Report # 17-
22 83587).

23 iii. On April 20, 2017, Defendant Conner was contacted at 1111 24th Street in
24 possession of unlawful drug paraphernalia. Defendant Conner was arrested under
25 Health and Safety Code 11364 (a) – possession of controlled substance
26 paraphernalia. (Report # 17-110724).

27 iv. Defendant Conner was contacted on April 24, 2017 hiding behind bushes at 1622
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T Street and admitted to being under the influence of methamphetamine. Defendant Conner was booked under Penal Code section 647 (f) – disorderly conduct: drunk in public. (Report # 17-115575).

v. On June 3, 2017, Defendant Conner was contacted at Folsom Boulevard and 32nd Street. Defendant Conner had been running in and out of traffic and was found sitting in a car that did not belong to him. Defendant Conner was placed on a 72 hour hold and transported to Mercy General Hospital. (Report # 17-156553).

vi. On June 23, 2017, Defendant Conner committed battery in the area of Q Street and 16th Street. On June 26, 2017, Defendant Conner was contacted at R Street and 16th street on call # 17-179368 and arrested under Penal Code section 242. (Report # 17-179409).

vii. On June 26, 2017, Defendant Conner sexually assaulted a victim on the street in the area of 16th Street and P Street. Defendant Conner was contacted at R Street and 16th Street and arrested under Penal Code section 243.4 (e) (1) for sexual battery. (Report # 17-179368).

viii. On February 13, 2018, Defendant Conner was arrested for disorderly conduct under Penal Code section 647 (f) – drunk in public – at 1341 J Street. (Report # 18-45622).

c. Defendant Sean Conner has been issued trespass notices from these addresses in the Designated Area:

- i. 2610 X Street
- ii. 2509 Broadway
- iii. 1429 Broadway
- iv. 2411 15th Street
- v. 2406 23rd Street
- vi. 2505 Riverside Blvd.
- vii. 1401 Broadway

- 1 d. Defendant Michael Dibiasio is known to have committed the following acts in the
2 Designated Area, as defined in section III.8 of the Complaint in this matter:
- 3 i. On March 11, 2018, Defendant Dibiasio was found lying in the middle of
4 Alhambra Boulevard at approximately 1025 Alhambra Boulevard. Defendant
5 Dibiasio was found to be carrying an approximately six inches long silver blade in
6 his pocket. Defendant Dibiasio was booked for carrying a concealed dirk or dagger
7 – Penal Code section 21310. (Report # 18-74965).
- 8 ii. On April 16, 2018 Defendant Dibiasio was contacted at 2417 Broadway
9 Boulevard. Defendant Dibiasio had an active warrant for his arrest. Defendant
10 Dibiasio was charged under Penal Code section 21310 for carrying a concealed
11 dirk or dagger and Penal Code section 148.9 for false identification to a police
12 officer. (Report # 18-112152).
- 13 iii. Defendant Dibiasio was contacted on July 6, 2018 at Sloat Way and 24th Street.
14 Defendant Dibiasio was charged under Penal Code 21310 for carrying a concealed
15 dirk or dagger and Sacramento City Code section 9.04.050 (a) for drinking in
16 public. (Report # 18-208003).
- 17 iv. On September 7, 2018, officers contacted Defendant Dibiasio outside of 2431
18 Broadway (Taco Bell). Defendant Dibiasio had multiple warrants out for his arrest
19 and was found to be carrying a concealed knife. Defendant Dibiasio was placed
20 under arrest pursuant to his warrants and charged with violating Penal Code
21 section 21310 – carrying a concealed dirk or dagger – and Sacramento City Code
22 section 9.04.050 (a) –drinking in public. (Report # 18-285666).
- 23 v. On September 28, 2018, Defendant Dibiasio was contacted at 27th Street and
24 Castro Avenue. Defendant Dibiasio was obstructing the sidewalk and showed
25 objective signs of intoxication. Defendant Dibiasio was arrested for being drunk in
26 public under Penal Code section 647 (f). (Report # 18-310664).
- 27 vi. Defendant Dibiasio was contacted at 2424 Castro Way on November 2, 2018 after
28

1 reports of two subjects throwing rocks at each other. Defendant Dibiasio showed
2 objective signs of intoxication and was found to be on probation. Defendant
3 Dibiasio was charged under Penal Code section 647 (f) – drunk in public. (Report
4 # 18-350341).

5 e. Defendant Michael Dibiasio is known to have committed the following acts in other
6 areas of the City of Sacramento:

7 i. On February 15, 2017, Defendant Dibiasio was contacted sleeping in front of 1500
8 West El Camino Avenue. Defendant Dibiasio was advised and sent on his way
9 (Report # 17-340).

10 ii. On March 18, 2018, Defendant Dibiasio was contacted in the area of K Street and
11 10th Street while sitting against a light pole and drinking liquor. Defendant
12 Dibiasio was charged with a misdemeanor violation of Sacramento City Code
13 section 9.04.050 (a) – drinking in public. (Report # 18-81996).

14 f. Defendant Dimitriy Golodyuk is known to have committed the following acts in the
15 Designated Area, as defined in section III.8 of the Complaint in this matter:

16 i. On April 3, 2017, officers responded to the Starbucks located at 1429 Broadway
17 about a report that a subject identified as Defendant Golodyuk had locked himself
18 in the bathroom and refused to leave. Defendant Golodyuk was contacted at X
19 Street and 5th Street and was issued a Notice of Trespass. (Report # 17-93901).

20 ii. On April 15, 2017, Defendant Golodyuk was found panhandling in front of the
21 Walgreens at 1401 Broadway. Defendant Golodyuk was advised to leave, and
22 upon refusal to leave, Defendant Golodyuk was issued a Notice of Trespass.
23 (Report # 17-1805351).

24 iii. On May 24, 2017, Defendant Golodyuk was verbally trespassed and issued a
25 Notice of Trespass at 1518 Broadway. Defendant Golodyuk had been found
26 panhandling in the garden area of the property. (Report # 17-1807309).

27 iv. Defendant Golodyuk stole a Sacramento Police Department bait car from 22nd
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1 Street and W Street on May 31, 2017. The vehicle was stopped by police at 20th
2 Street and W Street. Defendant Golodyuk was arrested under Vehicle Code
3 section 10851 for vehicle theft, Penal Code section 1203.2 for probation violation,
4 Health and Safety Code section 11377 for possession of a dangerous controlled
5 substance, as well as for two misdemeanor warrants. (Report # 17-154391).

6 v. On August 31, 2017 Defendant Golodyuk was observed at 1901 X Street.
7 Defendant Golodyuk had an active felony warrant for a charge of Vehicle Code
8 section 10851 (a) – vehicle theft. (Report # 17-250343).

9 vi. Defendant Golodyuk was contacted on November 11, 2017 under the overpass at
10 the intersection of X Street and 18th Street. Defendant Golodyuk was in
11 possession of three knives, a burnt spoon with heroin residue on it, and marijuana.
12 Defendant Golodyuk was booked under Penal Code section 1203.2 (probation
13 violation) and Healthy and Safety Code section 11364 (possession of drug
14 paraphernalia). (Report # 17-325160).

15 vii. On November 19, 2017, Defendant Golodyuk was contacted in the Target parking
16 lot at 2505 Riverside Boulevard in response to reports of trespassing. Defendant
17 Golodyuk had previously been issued a notice of trespass on March 4, 2017 and
18 was issued another trespass citation on this occasion. (Report # 17-333264).

19 viii. On December 27, 2017, Defendant Golodyuk was contacted in a parking lot at
20 2505 Riverside Boulevard in the driver's seat of a car reported stolen earlier that
21 day. Defendant Golodyuk was booked for vehicle theft in violation of Vehicle
22 Code section 10851, possession of stolen property in violation of Penal Code
23 section 496 (a), and probation violation under Vehicle Code section 1203.2.
24 (Report # 17-370256).

25 ix. On January 11, 2018, Defendant Golodyuk was contacted with a large group of
26 people between W Street and X Street, several of whom who were found to have
27 narcotic paraphernalia in their possession. Defendant Golodyuk and others were
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- 1 ii. On December 1, 2018, Defendant Green was contacted at 2331 Broadway,
2 smoking a cigarette outside the front door of the business. Defendant Green was
3 served with a Notice of Trespass. (Report # 18-381131).
- 4 iii. Defendant Green was contacted on December 2, 2018 at 2331 Broadway.
5 Defendant Green had been previously issued a Notice of Trespass at the property
6 and was thus booked under Sacramento City Code section 9.16.140 (b) (1) for
7 trespass on private property. (Report # 18-382631).
- 8 iv. On December 13, 2018, Defendant Green was contacted inside McDonald's at
9 2331 Broadway after reports of Defendant Green standing in the drive-thru line
10 and threatening a subject. Defendant Green was issued a Notice of Trespass and
11 escorted home. (Report # 18-393711).
- 12 i. Defendant Troy Green is known to have committed the following acts in other areas
13 of the City of Sacramento:
- 14 i. On May 24, 2018, Defendant Green was contacted at 2350 Florin Road after
15 entering the business after security advised Defendant Green that only customers
16 could enter the business. Defendant Green was issued a Notice of Trespass at the
17 scene. (Report # 18-156780).
- 18 ii. On June 10, 2018, Defendant Green was contacted at 2350 Florin Road after
19 violating a Notice of Trespass for that location. Defendant Green was booked
20 under Sacramento City Code section 9.16.140 (b) (1) for trespass on private
21 property. (Report # 18-176127).
- 22 iii. On October 30, 2018, Defendant Green was contacted inside 2335 Florin Road
23 scooping ice out of the fountain drink tray with his hand. Defendant Green was
24 served a Notice of Trespass and transported to the Powell Community Center by
25 request. (Report # 18-346624).
- 26 iv. On November 11, 2018, Defendant Green was contacted at 2335 Florin Road.
27 Defendant Green had been previously issued a Notice of Trespass at the property.
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1 Defendant Green was booked under Sacramento City Code section 9.16.140 (b)
2 (1) for trespass on private property. (Report # 18-360645).

3 v. On November 29, 2018, an officer contacted Defendant Green being held by
4 security at 2335 Florin Road. Defendant Green had been previously served a
5 Notice of Trespass at the property on October 30, 2018. Defendant Green was
6 booked under Sacramento City Code section 9.16.140 (b) (1) for trespass on
7 private property. (Report # 18-379021).

8 j. Defendant **Dimitriy Golodyuk** has been issued trespass notices from these addresses
9 in the Designated Area:

10 i. 2331 Broadway

11 ii. 2431 Broadway

12 k. Defendant **Kelvin Peterson** is known to have committed the following acts in the
13 Designated Area, as defined in section III.8 of the Complaint in this matter:

14 i. On June 5, 2017, Defendant Peterson was contacted with several other subjects on
15 14th Street near 1331 Broadway after reports of subjects causing a disturbance and
16 yelling. Defendant Peterson and the other subjects had property blocking the
17 sidewalk and were given a verbal warning and advised to seek out resources for
18 homelessness. (Report # 17-1003).

19 ii. Defendant Peterson was contacted on November 10, 2017 near the intersection of
20 18th Street and X Street setting up a camp for the night. Defendant Peterson had
21 an active misdemeanor warrant. Defendant Peterson had on his person a clear bag
22 of methamphetamine. Defendant Peterson was booked for his misdemeanor
23 warrant and under Health and Safety Code section 11377 for possession of a
24 controlled substance. (Report # 17-324241).

25 iii. On December 16, 2017, Defendant Peterson was contacted at 15th Street and X
26 Street. Defendant Peterson had an active warrant and was charged with Health
27 and Safety Code section 11350 (a) – possession of controlled substances. (Report #
28

1 17-359353).

2 iv. On May 5, 2018, Defendant Peterson was contacted at 10th Street and X Street
3 after community complaints. Defendant Peterson was arrested on an unrelated
4 warrant. (Report # 18-133464).

5 v. On June 24, 2018, officers responded to community complaints in the area of 22nd
6 Street and W Street and contacted Defendant Peterson. Defendant Peterson had
7 an active warrant and was charged under Health and Safety Code section 11350
8 (a) for unlawful possession of controlled substances. (Report # 18-192116).

9 vi. On August 3, 2018, Defendant Peterson was contacted in the area of 2331
10 Broadway. Upon performance of a probation search Defendant Peterson was
11 found to be in possession of used needles and scorched metal caps and a pop-top
12 container that tested positive for heroin residue. Defendant Peterson was issued a
13 citation for Health and Safety Code section 11364 and Penal Code section 1203.2
14 (possessing drug paraphernalia). (Report # 18-242182).

15 vii. On August 16, 2018, Defendant Peterson was contacted on the north curb line of
16 W Street after being seen panhandling at the Highway 50 offramp at 16th Street.
17 In Defendant Peterson's bag was a medicine bottle with prescription pills
18 belonging to another subject that Defendant Peterson said he found in a dumpster.
19 Defendant Peterson was cited for Health and Safety Code section 11350 (a),
20 possession of a controlled substance. (Report # 18-259470).

21 1. Defendant Kelvin Peterson is known to have committed the following acts in other
22 areas of the City of Sacramento:

23 i. On February 3, 2017, Defendant Peterson was contacted along with several other
24 subjects under the Capital City Freeway between 29th Street and 30th Street.
25 Defendant Peterson and subjects were advised that they needed to find somewhere
26 else to be and could not camp and block the sidewalk. (Report # 17-229).

27 ii. On February 16, 2018, Defendant Peterson was contacted at 16th Street and
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1 Victorian Alley. Defendant Peterson had multiple active warrants. Defendant
2 Peterson was charged under Healthy and Safety Code section 11350 (a) –
3 possession of a controlled substance. (Report # 18-49922).

4 iii. On June 6, 2018, Defendant Peterson was contacted at 2212 19th Street and was
5 found to have an active no-bail warrant. Defendant Peterson was charged under
6 Health and Safety Code section 11350 (a) – unlawful possession of a controlled
7 substance. (Report # 18-171857).

8 iv. On July 10, 2018, Defendant Peterson was issued an infraction at S Street and 21st
9 Street for violation of Vehicle Code section 21453 (a) – failure to stop at a red
10 signal. Defendant Peterson was on a bicycle. (TK # CS0183507).

11 m. Defendant **Kenneth Whitlock** is known to have committed the following acts in the
12 Designated Area, as defined in section III.8 of the Complaint in this matter:

13 i. On January 18, 2017, Defendant Whitlock was contacted at X Street and 15th
14 Street and cited under Sacramento City Code section 5.116.210 for panhandling.
15 (TK # CS0162515).

16 ii. On February 17, 2017, Defendant Whitlock was contacted at X Street and 15th
17 Street and cited under Sacramento City Code section 5.116.210 for panhandling.
18 (TK # CS0162688).

19 iii. Defendant Whitlock was contacted on November 11, 2017 at 2505 Riverside
20 Boulevard after reports of Defendant Whitlock refusing to leave the property.
21 Defendant Whitlock was served with a Notice of Trespass. (Report # 17-324979).

22 iv. On December 7, 2017, Defendant Whitlock was contacted on 18th Street between
23 W Street and X Street. Defendant Whitlock was surrounded by shopping carts and
24 bags that formed the perimeter of an encampment that had previously been posted
25 with several Notices to Vacate. Defendant Whitlock was arrested for his
26 outstanding warrants. (Report # 17-349889).

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- 1 v. On December 27, 2017, Defendant Whitlock was contacted at 1401 Broadway
2 and cited under Sacramento City Code section 5.116.210 for panhandling. (TK #
3 CS0063054).
- 4 vi. On January 11, 2018, Defendant Whitlock was contacted with other subjects on
5 16th Street between W Street and X Street. Defendant Whitlock had on his person
6 hypodermic needles and other paraphernalia. Defendant Whitlock and others
7 were advised that they were in a high narcotics area and that loitering would lead
8 to arrest. (Report # 18-10097).
- 9 vii. On January 27, 2018, Defendant Whitlock was contacted at Victorian Alley and
10 16th Street. Defendant Whitlock had three active warrants. Defendant Whitlock
11 was charged under Penal Code section 484 (a) for theft of personal property.
12 (Report # 18-27258).
- 13 viii. On June 13, 2018, Defendant Whitlock was contacted in front of a Target at 2505
14 Riverside Boulevard. Defendant Whitlock had been previously served a Notice of
15 Trespass at that location and was on probation with the requirement of staying
16 away from all Targets in Sacramento County. Defendant Whitlock could not be
17 booked at the County Jail as he had open MRSA sores on his body and thus was
18 told to leave the premises. (Report # 18-179544).
- 19 ix. On July 9, 2018, Defendant Whitlock was contacted in a Starbucks parking lot at
20 1429 Broadway. Defendant Whitlock had two misdemeanor warrants for his
21 arrest and was in possession of one hypodermic needle as a single live bullet.
22 Defendant Whitlock was placed under arrest for his warrants and Penal Code
23 section 30305 for felony possession of ammunition. (Report # 18-211738).
- 24 x. On September 11, 2018, Defendant Whitlock was contacted at 2431 28th Street
25 (Smart and Final parking lot). Defendant Whitlock was on probation and found to
26 be in possession of aluminum foil with black residue on it, as well as more than
27 thirty hypodermic needles. Defendant Whitlock was cited for possession of drug
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1 paraphernalia under Health and Safety Code section 11364.1 (a). (Report # 18-
2 290588).

3 xi. On October 18, 2018, Defendant Whitlock was contacted on 23rd Street between
4 X Street and W Street. Defendant Whitlock had a misdemeanor warrant for theft
5 of personal property and was arrested for his warrant. (Report # 18-344332).

6 n. Defendant Joseph Soto is known to have committed the following acts in the
7 Designated Area, as defined in section III.8 of the Complaint in this matter:

8 i. Defendant Soto was contacted on October 25, 2017 at Broadway and 13th Street
9 after being seen walking two bicycles around the area. Upon a probation search
10 Defendant Soto was found to be in possession of a four-inch glass pipe with white
11 residue on the interior. Defendant Soto was issued a citation for violating Health
12 and Safety Code section 11364 (a) – possession of drug paraphernalia. (Report #
13 17-307245).

14 ii. On February 1, 2018, Defendant Soto was contacted on the sidewalk in the area of
15 16th Street and W Street. A probation search of Defendant Soto revealed a
16 cylindrical glass pipe in his pants pocket. Defendant Soto was issued a citation for
17 a violation of Health and Safety Code section 11364 (a) – possession of drug
18 paraphernalia. (Report # 18-32070).

19 iii. On April 9, 2018, Defendant Soto was contacted at 1025 Alhambra Boulevard
20 (Safeway) after eating food without paying for it. Defendant Soto was issued a
21 Notice of Trespass. (Report # 18-104658).

22 iv. On April 14, 2018, Defendant Soto was contacted just west of 28th Street on
23 Broadway while walking down the street with a shopping cart. Defendant Soto
24 was found to be on probation and had an active misdemeanor warrant. Defendant
25 Soto was also in possession of a glass smoking pipe. Defendant Soto was cited
26 under Health and Safety Code section 11364 for possession of drug paraphernalia.
27 (Report # 18-109553).

- 1 v. On June 28, 2018, Defendant Soto was contacted at 2412 25th Street after reports
2 of subjects removing plywood from the windows of the building. Defendant Soto
3 was cited under Penal Code section 602.5 for trespass – entry of property. (Report
4 # 18-196959).
- 5 vi. On November 1, 2018, Defendant Soto was contacted at 1025 Alhambra
6 Boulevard, where Defendant Soto had previously been issued a Notice of Trespass
7 on April 9, 2018. Defendant Soto was cited under Sacramento City Code section
8 9.16.140 for trespassing. (Report # 18-349480).
- 9 vii. On February 16, 2019, Defendant Soto was contacted at 2409 27th Street after
10 stealing a Sacramento Police Department “bait” bicycle. Defendant Soto also had
11 a misdemeanor warrant out for his arrest. Defendant Soto was cited under Penal
12 Code sections 484 for and 1203.2 for petty theft and violation of probation.
13 (Report # 19-50106).
- 14 o. Defendant **Joseph Soto** is known to have committed the following acts in other areas
15 of the City of Sacramento:
- 16 i. Officers attempted to contact Defendant Soto on January 6, 2017, next to the
17 vacant building at 1508 Alhambra Boulevard. Upon requests by officers to stop
18 walking away, Defendant Soto began to run and was apprehended in front of 1525
19 Stockton Boulevard. Defendant Soto was on active felony formal probation and
20 was in possession of a clear glass pipe. Defendant Soto was placed under arrest for
21 Penal Code sections 1203.2 and 148 for violation of probation and resisting a
22 public officer, and Health and Safety Code section 11364 - possession of drug
23 paraphernalia. (Report # 17-5449).
- 24 ii. On October 4, 2017, Defendant Soto was contacted at the light rail station at 3001
25 Florin Road. Defendant Soto was on a train without a ticket and was found to be
26 in possession of a glass pipe with a small bowl. Defendant Soto was cited under
27 Penal Code section 640 for fare evasion and Health and Safety Code section 11364
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for possession of drug paraphernalia. (Report # 17-285923).

iii. On June 10, 2018, Defendant Soto was contacted at 1814 19th Street (Safeway). Defendant Soto was observed drinking a soda and not paying. Defendant Soto was escorted out of the store and issued a Notice of Trespass. (Report # 18-176306).

iv. On February 7, 2019, Defendant Soto was contacted sleeping in the area of 5th Avenue and Portola Way. Defendant Soto was provided with a Notice of Trespass and sent on his way. (Report # 19-40254).

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

Executed on June 28, 2019 in Sacramento, California.


SPD SGT. GREG GALLIANO

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