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FOR IMMEDIATE RELEASE

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ACLU OF UTAH APPEALS OGDEN'S "GANG INJUNCTION" TO UTAH SUPREME COURT AND REQUESTS IMMEDIATE STAY

SALT LAKE CITY—The ACLU of Utah, together with cooperating attorneys David Reymann of Parr Brown Gee & Loveless and Randy Richards of Allen, Richards & Pace, today filed a Notice of Appeal in the Second Judicial District Court for Weber County appealing the court's so-called "gang injunction" to the Utah Supreme Court. The ACLU of Utah also requested that the district court suspend the enforcement of the injunction while the appeal is pending.

The injunction, entered by Second District Judge Ernie Jones on August 20, 2012, makes permanent a preliminary injunction entered by the same court in September 2010. The injunction purportedly applies to the "Ogden Trece" gang as an entity, covers virtually the entire city of Ogden, and prohibits more than three hundred of its alleged members from a wide range of constitutionally protected conduct, including associating with other alleged members (including family, friends, and co-workers), engaging in peaceful protests in public places, traveling together to vote, and even appearing in court together to challenge the injunction. The injunction also imposes a perpetual 11 p.m. to 5 a.m. curfew on hundreds of individuals that apparently applies for the rest of their lives, as well as permanently prohibiting them from possessing legal firearms, drinking or merely being in the presence of alcohol (on both public and private property), and engaging in any conduct that police, in their unfettered discretion, consider "annoying." These prohibitions apply to anyone that the police decide, without any prior judicial oversight, are members of the "gang."

"The injunction entered by the district court is unprecedented, both in scope and in the draconian restrictions it imposes on fundamental constitutional rights," said cooperating attorney David Reymann. "No one disputes that gang crime exists and is a problem in our communities. But that fact does not justify imposing martial law on a targeted minority group and sacrificing core constitutional liberties for the mere illusion of security. We are confident," Reymann continued, "that the Utah Supreme Court will review this unprecedented order and conclude, as we have, that it fails to strike any meaningful balance between crime prevention and fundamental liberties."

Because the injunction is now in effect and may be served on anyone the police decide is a gang member, the ACLU of Utah has requested that the district court suspend the injunction's enforcement while the matter is on appeal. "We are hopeful the district court will recognize the unprecedented nature of this relief and the grave constitutional concerns it raises," said ACLU of Utah Legal Director John Mejia, "and that it will suspend the injunction's enforcement to provide the Utah Supreme Court with a meaningful opportunity to review the order." If the district court fails to act, Mejia said the ACLU of Utah will ask the Utah Supreme Court to suspend the injunction itself.

To view a copy of the Notice of Appeal, Motion to Suspend Injunction Pending Appeal, and Supporting Memorandum, go to http://www.acluutah.org/Weber_v_Trece.html.

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