

STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
File No. 13-CVS- 161502

STATE OF NORTH CAROLINA
On Relation of CITY OF CHARLOTTE,
a Municipal Corporation,

Plaintiff,

v.

HIDDEN VALLEY KINGS aka HVK or
ICEE MONEY, WENDELL McCain,
KEVIN FUNDERBUNK, and
CORDELL BLAIR,

Defendants.

**VERIFIED COMPLAINT AND
MOTION FOR PRELIMINARY AND
PERMANENT INJUNCTION**

FILED

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OVERVIEW

1. The Hidden Valley Neighborhood is located in Northeast Charlotte. The homes were built in the 1960's and many of the original homeowners still reside in Neighborhood. On information and belief, the Hidden Valley Kings (HVK) is a criminal street gang that started in the late 1980's. HVK quickly claimed a portion of the Hidden Valley Neighborhood as its "turf." Many of its members lived within the Hidden Valley Neighborhood. One of HVK's activities was the illegal sale of narcotics. By 2004, a younger group became associated as the North or Norf Side Valley Boys (NSVB). Initially, HVK and NSVB associated with each other with the younger members maintaining membership in NSVB. Eventually, NSVB merged with HVK.

2. HVK gained national attention when the gang was featured on the History Channel in an episode of "Gangland" entitled "Killing Snitches" which aired on April 2, 2009.

3. Currently, HVK is divided into three tiers. Tier 1 is comprised of the older and more experienced members whereas Tier 3 is comprised of the younger members. Tier 2 members have some experience with the gang and are older than the Tier 3 members.

4. Tier 1 HVK members continue to gain local and national attention via the internet and recently branded themselves with the term "ICEE Money" or "ICEE" (ICEE) which stands for "I see money." According to its members, ICEE is a record label that promotes gangster rap. However, public source information provided by the "promoters" on YouTube and Twitter accounts, along with interviews conducted by police with ICEE associates, clearly indicates that ICEE is predominately comprised of Tier 1 HVK members and is being operated as a front for HVK.

5. On information and belief, one of HVK's criminal gang activities is the organized sale and distribution of marijuana. The money from the sales is used in part to purchase firearms and provide income to Tier 1 members. Its members are known to carry large amounts of cash and have admitted to police officers that they are not otherwise lawfully employed.

6. On information and belief, Tier 3 members or Baby Gangsters (BGs) are required to perform "licks" in order to gain recognition. Licks are acts taken to benefit HVK and consist of such criminal offenses as the sale of illegal drugs and the commission of armed robberies. An example of a lick is the incident that occurred on June 18, 2013, when a Tier 3 member, Jaquez Walker attempted to rob a CMPD informant after selling him a small amount of marijuana whereby the informant was shot by Walker and Walker was in turn shot and killed by police. Jaquez Walker was a self-admitted Tier 3 member of HVK and was 17 years old at the time of his death.

7. On information and belief, HVK is believed to be responsible for several drive-by shootings which are deployed to protect their turf or to retaliate against other gangs or persons. While the Hidden Valley Neighborhood in general is a safe place to live, the increase in HVK's violent actions threatens the health, safety and welfare of the neighborhood and surrounding areas.

PARTIES

8. Plaintiff, State of North Carolina, on relation of the City of Charlotte (hereinafter "CITY") is a municipal corporation organized and existing under the laws of North Carolina and located in Mecklenburg County, North Carolina. CITY is a body politic and a corporate entity with capacity to sue as provided in N.C. Gen. Stat. §160A-11 and is entitled to bring this action on behalf of the State of North Carolina pursuant to N.C. Gen. Stat. § 14-50.41 *et seq.* and N.C. Gen. Stat. § 19-2.1.

9. On information and belief, Defendant HVK is an unincorporated association of persons located within Mecklenburg County. HVK is a criminal street gang that is comprised of three tiers of members. The individually named Defendants are members of HVK or persons that regularly associate with other known gang members to engage in criminal street gang activity.

10. Defendant Wendell McCain (hereinafter "McCain"), on information and belief, is a citizen and resident of Mecklenburg County.

11. Defendant Cordell Blair (hereinafter "Blair"), on information and belief, is a citizen and resident of Mecklenburg County.

12. Defendant Kevin Funderburk (hereinafter "Funderburk"), on information and belief, is a citizen and resident of Mecklenburg County.

NATURE OF THE CASE

13. The “North Carolina Street Gang Nuisance Abatement Act” went into effect on October 1, 2012. N.C. GEN. STAT. § 14-50.41 *et seq.* The act provides that “[a] street gang, as defined by G.S. 14-50.16(b), that regularly engages in criminal street gang activities, as defined in G.S. 14-50.16(c), constitutes a public nuisance.” N.C. GEN. STAT. § 14-50.43(a). The act further provides that the “term ‘regularly’ means at least five times in a period of not more than 12 months.” *Id.* The act further provides that “[a]ny person who regularly associates with others to engage in criminal street gang activity, as defined in G.S. 14-50.16(c) may be made a defendant in a suit, brought pursuant to Chapter 19 of the General Statutes, to abate any public nuisance resulting from criminal street gang activity.” N.C. GEN. STAT. § 14-50.43(b). Finally, the act states that “[i]f the court finds that a public nuisance exists under this section, the court may enter an order enjoining the defendant in the suit from engaging in criminal street gang activities and impose other reasonable requirements to prevent the defendant or a gang from engaging in future criminal street gang activities.” N.C. GEN. STAT. § 14-50.43(c). Copies of N.C. Gen. Stat. § 14-50.15 *et seq.*, the North Carolina Street Gang Suppression Act and N.C. Gen. Stat. § 14-50.41 *et seq.*, the North Carolina Street Gang Nuisance Abatement Act are attached hereto and incorporated by reference herein as Exhibit A.

JURISDICTION AND VENUE

14. Pursuant to N.C. Gen. Stat. § 14-50.41 *et seq.*, CITY seeks that a public nuisance be abated and that the Court enjoin the Defendants and other identified gang members from engaging in criminal street gang activities and impose other reasonable requirements to prevent the Defendants and other identified gang members from engaging in future criminal street gang

activities. Accordingly, this action is properly brought in the Superior Court of Mecklenburg County pursuant to N. C. Gen. Stat. § 19-2.1.

15. Venue is proper under N.C. Gen. Stat. § 1-82.

FACTS

16. On information and belief, in the late 1980s two gang members from Chicago moved to Charlotte and attempted to establish a gang called the Vice Lords. When they were denied permission to establish the Vice Lords in Charlotte, they established the "KINGS." During this time period members of the gang claimed as its turf in the area of Wellingford Street and Springview Road which is located within the Hidden Valley Neighborhood.

17. On information and belief, during this period the gang conducted open market street drug sales and referred to itself as the Hidden Valley Kings.

18. On information and belief, as the HVK's membership grew the gang began to claim the entire Hidden Valley Neighborhood as its turf.

19. On information and belief, in 2004, a younger group of high school aged males formed a gang called the North or Norf Side Valley Boys and some of the younger HVK members began to associate with NSVB. Over time NSVB was accepted into the ranks of HVK.

20. On information and belief, HVK continued to operate an illegal drug distribution operation and resorted to violence to protect both its turf and illegal narcotics operation. Drive-by shootings in and around the Hidden Valley Neighborhood increased as rival gang members challenged HVK's turf. These incidents of violence in turn sparked additional retaliatory acts of violence.

21. On information and belief, HVK continued to attract and recruit younger members who quickly moved up the ranks due to the arrest and incarceration of older HVK

members. HVK began to make its presence known by tagging the neighborhood and local high schools with various symbols associated with the gang.

22. On information and belief, as HVK's membership grew, some of its members moved outside of the Hidden Valley Neighborhood. HVK also recruited other members who lived in neighborhoods outside of the Hidden Valley Neighborhood.

23. On information and belief, HVK evolved into three tiers with Tier 1 being comprised of the oldest members. Defendant McCain holds the highest rank and is considered the head of HVK.

24. On information and belief, Tier 2 and 3 contain younger members or persons who engage in criminal street gang activity or regularly associate with other known gang members to engage in criminal street gang activity.

25. On information and belief, Tier 3 contains the youngest members or persons who engage in criminal street gang activity or regularly associate with other known gang members to engage in criminal street gang activity and are referred to as Baby Gangsters (BGs).

26. On information and belief, in 2012, Defendant McCain claimed that he had started a record and/or promotional company called ICEE Money or ICEE. HVK Tier 1 members are associated with ICEE and display the ICEE logo which is a triangle. Defendant McCain and other HVK Tier 1 members appear on several videos published on YouTube under various "labels" or promotions.

27. On information and belief, the videos published by HVK/ICEE contain images of Tier 1 HVK members admitting that they are members of a criminal street gang and that the gang is established for the purpose of committing criminal street gang activity. The videos demonstrate the intermingling of HVK and ICEE by the display of common gang hand signs and

the members' possession of firearms for the purpose of promoting HVK's criminal street gang activities. HVK's criminal street gang activities include, but are not limited to, the felonious possession, sale and distribution of controlled substances throughout Charlotte and the Hidden Valley Neighborhood, the commission of felonious robberies, breakings or enterings and burglaries to obtain funds to support the gang, and the commission of violent felonies including murder to promote and protect HVK's turf and illegal narcotics operation.

**HVK IS A CRIMINAL STREET GANG THAT REGULARLY ENGAGES IN
CRIMINAL STREET GANG ACTIVITIES**

28. CITY incorporates by reference the allegations of paragraphs 1 through 27 of its Verified Complaint as if fully repeated here.

29. Defendant HVK, on information and belief, is a criminal street gang or street gang located within the City of Charlotte, Mecklenburg County, North Carolina. Defendant HVK is an on-going organization, association or group comprised of three or more persons that has as one of its primary activities the commission of one or more felony offenses, or delinquent acts that would be felonies if committed by an adult. Defendant HVK has three or more members that individually or collectively regularly engage in, or who have within the past 12 months regularly engaged in, criminal street gang activity. Defendant HVK also has a common name, common identifying sign or symbol.

30. Defendant McCain, on information and belief, is the leader of HVK and regularly engages in criminal street gang activity and associates with others to engage in criminal street gang activity.

31. Defendants Blair and Funderburk, on information and belief, are Tier 1 members of HVK and regularly engage in criminal street gang activity and associate with others to engage in criminal street gang activity.

32. Cedrick Ratliff , Reginald Carter (hereinafter "Carter"), Terrance Cunningham (hereinafter "T. Cunningham"), Meredith Cunningham, Randy Hodge and Antonio Covington (hereinafter "Covington"), on information and belief, are citizens and residents of Mecklenburg County, Tier 1 members of HVK and persons that engage in criminal street gang activity or associate with others to engage in criminal street gang activity.

33. Cameron Hearn (hereinafter "Hearn"), Drequez Caldwell, Jashari Billups, Arthur Taylor, Magi Horton, Rashard Hodge, James Ratliff, Oshane Walker and Jarvis Reed, on information and belief, are citizens and residents of Mecklenburg County, Tier 2 members of HVK and persons that engage in criminal street gang activity or associate with others to engage in criminal street gang activity.

34. Jamal Lattimore (hereinafter "Lattimore"), Dontavious Newton (hereinafter "Newton"), Earnest Cash (hereinafter "Cash") and Shari Harris (hereinafter "Harris"), on information and belief, are citizens and residents of Mecklenburg County, Tier 3 members of HVK and persons that engage in criminal street gang activity or associate with others to engage in criminal street gang activity.

35. On information and belief, the criminal offenses comprising HVK's criminal street gang activity include, but are not limited to, violations of the North Carolina Controlled Substances Act, Article 5 of Chapter 90 of the General Statutes, armed robberies, felonious assaults with firearms, felonious breaking and entering, and burglaries.

36. The individually named Defendants, on information and belief, are persons who regularly associate with one another and other HVK gang members to engage in criminal street gang activity. In particular, HVK, by and through its members, currently operates an illegal drug operation, the proceeds of which are used in part to purchase firearms that are then used to

commit acts of violence in furtherance of protecting HVK's turf and retaliating against persons who have committed acts of violence against the Defendants.

37. Tier 3 HVK gang member J. Walker (now deceased), on information and belief, admitted during an interview with a Charlotte-Mecklenburg Police Officer that Tier 1 members, McCain, Randy Hodge, Covington, T. Cunningham, Carter and Blair, will distribute marijuana to lower level gang members in Tier 2 and Tier 3 for the members to sell or deliver.

38. HVK member J. Walker, on information and belief, admitted that in order to gain respect and status from higher level HVK members, lower tier members are expected to "do licks."

39. HVK member J. Walker, on information and belief, admitted doing "licks" which consisted of committing felony crimes such as residential or commercial break-ins, burglaries and armed robberies.

40. HVK member J. Walker, on information and belief, admitted that the proceeds from the "licks" are often put into a pool of money that HVK gang members then use to purchase firearms for the gang.

41. HVK member J. Walker, on information and belief, stated that from the summer of 2012 to mid-February 2013, he and HVK gang members Cash, Lattimore, Harris, Newton and Hearn have each contributed the proceeds from crimes they have committed to the gang for the purchase of firearms. Over this period of time, seven firearms have been purchased: .22 pistol, .38 special, .38 rifle, .25 rifle, .22 rifle, Tec9 and a Tec10. These weapons are stored or kept at different gang members', associates' or family members' homes throughout the Hidden Valley Neighborhood to be used by HVK members when needed to commit further violent crimes.

42. Defendants and other identified gang members, on information and belief, have acquired the general reputation among citizens in the Charlotte area and among the law enforcement community as a criminal street gang.

43. On information and belief, CITY alleges that in addition to and in support of the allegations contained in this Verified Complaint, CMPD Detective Brett Gant has signed an affidavit, attached hereto and incorporated herein by reference as Exhibit B, which contains information that further details and describes the organization of the HVK criminal street gang and the criminal street gang activities engaged in by the Defendants and other identified gang members which support this cause of action.

44. Defendants and other HVK gang members, upon information and belief, have regularly engaged in or regularly associated with others to engage in criminal street gang activity, as defined by N.C. Gen. Stat. § 14-50.16 (c), within the past 12 months, and have committed at least five felony offenses since October 2012 with the specific intent that such acts were intended or committed for the purpose, or in furtherance, of the person's involvement in the street gang. Defendants and other members of HVK have committed no less than twenty-four qualifying felony offenses. See Exhibit B, Affidavit of Detective Gant at ¶46.

MOTION FOR PRELIMINARY AND PERMANENT INJUNCTION

45. CITY incorporates by reference the allegations of paragraphs 1 through 44 of its Verified Complaint as if fully repeated here.

46. CITY pursuant to N.C. Gen. Stat. § 1A-1, Rule 65(a) of the North Carolina Rules of Civil Procedure, and N.C. Gen. Stat. §§ 19-2.5, 19-5 & 14-50.43, contends that it is entitled to injunctive relief and moves for a preliminary and a permanent injunction enjoining the Defendants and other identified gang members from operating, maintaining or continuing the

nuisance activity complained of and imposing other reasonable requirements to prevent the Defendants and other identified gang members from engaging in future criminal street gang activities.

47. CITY has no adequate remedy at law to prohibit HVK and its members from associating together for the purpose of committing criminal street gang activity.

48. In the absence of a preliminary injunction, CITY and its citizens will suffer irreparable harm from the criminal street gang activity perpetrated by HVK.

49. The citizens who live and work in the Hidden Valley community are suffering immediate and irreparable harm in that they are being denied the quiet enjoyment of their homes and businesses due to the criminal street gang activity engaged in by the Defendants and other identified gang members.

50. CITY contends that it has demonstrated a likelihood of succeeding on the merits of the case in light of the information contained in this Verified Complaint and the attached Affidavit of Detective B. Gant. The information establishes a likelihood of success on the merits and that HVK is a public nuisance as it is a criminal street gang that regularly engages in criminal street gang activity.

WHEREFORE, the CITY prays as follows:

1. That the Court issue a Preliminary Injunction and a Permanent Injunction in accordance with N.C. Gen. Stat. § 1A-1, Rule 65(a) of the North Carolina Rules of Civil Procedure, and N.C. Gen. Stat. §§ 19-2.2, 19-2.5, 19-5 & 14-50.43, for the purpose of maintaining or restoring public safety and public order, and/or preventing and abating disorderly conduct as defined in G.S. 14-288.4, as described in N.C. Gen. Stat. § 14-226.1:

- a. restraining and enjoining the Defendants named in this action and other identified gang members who are included in the Order, who shall be subject to the Order only after they have been personally served with it, from operation, maintenance or continuation of the nuisance activity complained of;
- b. restraining and enjoining the Defendants and other identified gang members who are included in the Order from driving, standing, sitting, walking, gathering or appearing, anywhere in public view or any place accessible to the public, with any known member of the HVK gang, including but not limited to those members identified by name in the Order, except when members are directly traveling to or from the following locations and where their presence is required: (1) inside a school or other educational facility where they are attending a class or on school business; (2) inside a church or other place of worship; (3) at a location where they are actively engaged in a legitimate business, employment, trade, training, profession or occupation which requires their presence; or, (4) at a location where they are attending counseling sessions or community meetings at community centers or other established organizations;
- c. restraining and enjoining the Defendants and other identified gang members who are included in the Order from confronting, intimidating, annoying, harassing, threatening, challenging, provoking, assaulting or battering any person known to be a witness to any criminal street gang

activity of HVK, known to be a victim of any criminal street gang activity of HVK, or known to have complained about any criminal street gang activity of HVK;

- d. restraining and enjoining the Defendants and other identified gang members who are included in the Order from possessing any firearm, imitation firearm, ammunition, or deadly weapon, knowingly remaining in the presence of anyone who is in possession of such firearm, imitation firearm, ammunition or illegal weapon, or knowingly remaining in the presence of such firearm, imitation firearm, ammunition or illegal weapon, anywhere in public view or any place accessible to the public;
- e. restraining and enjoining the Defendants and other identified gang members who are included in the Order from knowingly remaining in the presence of anyone who is in possession any illegal drugs, narcotics or paraphernalia;
- f. restraining and enjoining the Defendants and other identified gang members who are included in the Order from recruiting, soliciting, enticing, or encouraging individuals to join the HVK or to perform any acts that will support the HVK or its members;
- g. restraining and enjoining the Defendants and other identified gang members who are included in the Order from taking any action that prevents a member from leaving the HVK, including, but not limited to, threatening or intimidating by any means, the person attempting to leave HVK or any member of that person's family or friends;

- h. restraining and enjoining the Defendants and other identified gang members who are included in the Order from participating in the possession, use or sale of any controlled substance as defined by state or federal law and the possession or use of any drug paraphernalia; and,
- i. restraining and enjoining the Defendants and other identified gang members who are included in the Order from being present on or in any private property not open to the general public with any known member of the HVK gang, including but not limited to those members identified by name in the Order, except when the members are relatives of the same family on or in private property of a family member they share in common.

2. For entry of an Order of Forfeiture of all personal property, monies, contents, and other considerations used in conducting and maintaining said nuisance, as provided by N.C. Gen. Stat. §§ 19-1(c), 19-1.3, 19-6, and any other section of Chapter 19 of the North Carolina General Statutes.

3. For an accounting of all monies received by the Defendants and other identified gang members from activities which have been declared to be a nuisance under Chapter 19 of the North Carolina General Statutes.

4. That an amount equal to the sum of all monies estimated to have been taken in as gross income from such unlawful activity shall be forfeited to the General Funds of the City of Charlotte and the County of Mecklenburg as fruits of an unlawful enterprise and partial restitution for damages done to the public welfare as provided in forth in North Carolina General Statute §19-6.

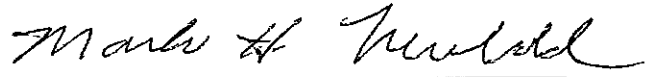
5. That the Defendants and other identified gang members pay damages and be taxed with the costs of this action as provided in North Carolina General Statutes §§ 19-6 and 19-8, such costs to include, but not limited to, reasonable attorney's fees, court costs, and other costs for the investigation and prosecution of this proceeding, and that such costs be declared a lien on the real and personal property used in maintaining the nuisance.

6. For any such other and further relief as the Court deems just and proper.

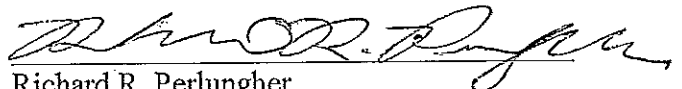
This the 12th day of August, 2013.

Robert E. Hagemann
City Attorney

By:



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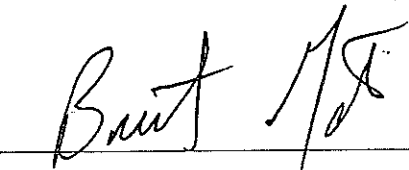


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STATE OF NORTH CAROLINA
MECKLENBURG COUNTY


VERIFICATION

Detective Brett Gant, being first duly sworn, deposes and says that:
He is the relator of the Plaintiff in the above-entitled action; he has read the foregoing Complaint and knows the contents thereof; the same is true and correct of his own personal knowledge, except as to those matters and things therein stated upon information and belief, and as to those he verily believes them to be true.



CMPD Detective Brett Gant

Sworn to and subscribed to me this the 12th day of August, 2013.



Notary Public

My Commission expires 11-10-2017



1 of 21 DOCUMENTS

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*** Annotations Current through March 29, 2013 ***

CHAPTER 14. CRIMINAL LAW
SUBCHAPTER 03. OFFENSES AGAINST THE PERSON
ARTICLE 13A. NORTH CAROLINA STREET GANG SUPPRESSION ACT

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N.C. Gen. Stat. § 14-50.15 (2013)

§ 14-50.15. Short title

This Article shall be known and may be cited as the "North Carolina Street Gang Suppression Act."

HISTORY: 2008-214, s. 3.

NOTES:

LexisNexis 50 State Surveys, Legislation & Regulations

Organized Crime



2 of 21 DOCUMENTS

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*** Annotations Current through March 29, 2013 ***

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N.C. Gen. Stat. § 14-50.16 (2013)

§ 14-50.16. Pattern of criminal street gang activity

(a) It is unlawful for any person employed by or associated with a criminal street gang to do either of the following:

(1) To conduct or participate in a pattern of criminal street gang activity.

(2) To acquire or maintain any interest in or control of any real or personal property through a pattern of criminal street gang activity.

A violation of this section is a Class H felony, except that a person who violates subdivision (a)(1) of this section, and is an organizer, supervisor, or acts in any other position of management with regard to the criminal street gang, shall be guilty of a Class F felony.

(b) As used in this Article, "criminal street gang" or "street gang" means any ongoing organization, association, or group of three or more persons, whether formal or informal, that:

(1) Has as one of its primary activities the commission of one or more felony offenses, or delinquent acts that would be felonies if committed by an adult;

(2) Has three or more members individually or collectively engaged in, or who have engaged in, criminal street gang activity; and

(3) May have a common name, common identifying sign or symbol.

(c) As used in this Article, "criminal street gang activity" means to commit, to attempt to commit, or to solicit, coerce, or intimidate another person to commit an act or acts, with the specific intent that such act or acts were intended or committed for the purpose, or in furtherance, of the person's involvement in a criminal street gang or street gang. An act or acts are included if accompanied by the necessary mens rea or criminal intent and would be chargeable by indictment under the following laws of this State:

(1) Any offense under Article 5 of Chapter 90 of the General Statutes (Controlled Substances Act).

N.C. Gen. Stat. § 14-50.16

(2) Any offense under Chapter 14 of the General Statutes except Articles 9, 22A, 40, 46, 47, 59 thereof; and further excepting *G.S. 14-78.1, 14-82, 14-86, 14-145, 14-179, 14-183, 14-184, 14-186, 14-190.9, 14-195, 14-197, 14-201, 14-247, 14-248, 14-313* thereof.

(d) As used in this Article, "pattern of criminal street gang activity" means engaging in, and having a conviction for, at least two prior incidents of criminal street gang activity, that have the same or similar purposes, results, accomplices, victims, or methods of commission or otherwise are interrelated by common characteristics and are not isolated and unrelated incidents, provided that at least one of these offenses occurred after December 1, 2008, and the last of the offenses occurred within three years, excluding any periods of imprisonment, of prior criminal street gang activity. Any offenses committed by a defendant prior to indictment for an offense based upon a pattern of street gang activity shall not be used as the basis for any subsequent indictments for offenses involving a pattern of street gang activity.

HISTORY: 2008-214, s. 3.

NOTES:

LexisNexis 50 State Surveys, Legislation & Regulations

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CASE NOTES

CITED in *State v. Dubose*, 208 N.C. App. 406, 702 S.E.2d 330 (2010).



3 of 21 DOCUMENTS

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SUBCHAPTER 03 . OFFENSES AGAINST THE PERSON
ARTICLE 13A. NORTH CAROLINA STREET GANG SUPPRESSION ACT

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N.C. Gen. Stat. § 14-50.17 (2013)

§ 14-50.17. Soliciting; encouraging participation

(a) It is unlawful for any person to cause, encourage, solicit, or coerce a person 16 years of age or older to participate in criminal street gang activity.

(b) A violation of this section is a Class H felony.

HISTORY: 2008-214, s. 3.

NOTES:

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4 of 21 DOCUMENTS

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CHAPTER 14. CRIMINAL LAW
SUBCHAPTER 03. OFFENSES AGAINST THE PERSON
ARTICLE 13A. NORTH CAROLINA STREET GANG SUPPRESSION ACT

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N.C. Gen. Stat. § 14-50.18 (2013)

§ 14-50.18. Soliciting; encouraging participation; minor

(a) It is unlawful for any person to cause, encourage, solicit, or coerce a person under 16 years of age to participate in criminal street gang activity.

(b) A violation of this section is a Class F felony.

(c) Nothing in this section shall preclude a person who commits a violation of this section from criminal culpability for the underlying offense committed by the minor under any other provision of law.

HISTORY: 2008-214, s. 3.

NOTES:

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5 of 21 DOCUMENTS

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N.C. Gen. Stat. § 14-50.19 (2013)

§ 14-50.19. Threats to deter from gang withdrawal

(a) It is unlawful for any person to communicate a threat of injury to a person, or to damage the property of another, with the intent to deter a person from assisting another to withdraw from membership in a criminal street gang.

(b) A violation of this section is a Class H felony.

HISTORY: 2008-214, s. 3.

NOTES:

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6 of 21 DOCUMENTS

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*** Annotations Current through March 29, 2013 ***

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SUBCHAPTER 03. OFFENSES AGAINST THE PERSON
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N.C. Gen. Stat. § 14-50.20 (2013)

§ 14-50.20. Threats of punishment or retaliation

(a) It is unlawful for any person to communicate a threat of injury to a person, or to damage the property of another, as punishment or retaliation against a person for having withdrawn from a criminal street gang.

(b) A violation of this section is a Class H felony.

HISTORY: 2008-214, s. 3.

NOTES:

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Organized Crime



7 of 21 DOCUMENTS

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*** Statutes current through the 2012 Regular Session ***
*** Annotations Current through March 29, 2013 ***

CHAPTER 14. CRIMINAL LAW
SUBCHAPTER 03. OFFENSES AGAINST THE PERSON
ARTICLE 13A. NORTH CAROLINA STREET GANG SUPPRESSION ACT

[Go to the North Carolina Code Archive Directory](#)

N.C. Gen. Stat. § 14-50.21 (2013)

§ 14-50.21. Separate offense

Any offense committed in violation of *G.S. 14-50.16* through *G.S. 14-50.20* shall be considered a separate offense.

HISTORY: 2008-214, s. 3.

NOTES:

LexisNexis 50 State Surveys, Legislation & Regulations

Organized Crime



8 of 21 DOCUMENTS

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*** Statutes current through the 2012 Regular Session ***
*** Annotations Current through March 29, 2013 ***

CHAPTER 14. CRIMINAL LAW
SUBCHAPTER 03. OFFENSES AGAINST THE PERSON
ARTICLE 13A. NORTH CAROLINA STREET GANG SUPPRESSION ACT

Go to the North Carolina Code Archive Directory

N.C. Gen. Stat. § 14-50.22 (2013)

§ 14-50.22. Enhanced offense for criminal gang activity

A person age 15 or older who is convicted of a misdemeanor offense that is committed for the benefit of, at the direction of, or in association with, any criminal street gang is guilty of an offense that is one class higher than the offense committed. A Class A1 misdemeanor shall be enhanced to a Class I felony under this section.

HISTORY: 2008-214, s. 3.

NOTES:

LexisNexis 50 State Surveys, Legislation & Regulations

Organized Crime



9 of 21 DOCUMENTS

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*** Statutes current through the 2012 Regular Session ***
*** Annotations Current through March 29, 2013 ***

CHAPTER 14. CRIMINAL LAW
SUBCHAPTER 03. OFFENSES AGAINST THE PERSON
ARTICLE 13A. NORTH CAROLINA STREET GANG SUPPRESSION ACT

[Go to the North Carolina Code Archive Directory](#)

N.C. Gen. Stat. § 14-50.23 (2013)

§ 14-50.23. Contraband, seizure, and forfeiture

(a) All property of every kind used or intended for use in the course of, derived from, or realized through criminal street gang activity or a pattern of criminal street gang activity is subject to the seizure and forfeiture provisions of G.S. 14-2.3.

(b) In any action under this section, the court may enter a restraining order in connection with any interest that is subject to forfeiture.

(c) Innocent Activities. -- The provisions of this section shall not apply to property used for criminal street gang activity where the owner or person who has legal possession of the property does not have actual knowledge that the property is being used for criminal street gang activity.

HISTORY: 2008-214, s. 3.

NOTES:

LexisNexis 50 State Surveys, Legislation & Regulations

Organized Crime



10 of 21 DOCUMENTS

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*** Statutes current through the 2012 Regular Session ***
*** Annotations Current through March 29, 2013 ***

CHAPTER 14. CRIMINAL LAW
SUBCHAPTER 03. OFFENSES AGAINST THE PERSON
ARTICLE 13A. NORTH CAROLINA STREET GANG SUPPRESSION ACT

Go to the North Carolina Code Archive Directory

N.C. Gen. Stat. § 14-50.24 (2013)

N.C. Gen. Stat. § 14-50.24

Repealed by Session Laws 2012-28, s. 2, effective October 1, 2012.

HISTORY: 2008-214, s. 3; repealed by 2012-28, s. 2, effective October 1, 2012.

NOTES: EDITOR'S NOTE. --Former *G.S. 14-50.24* pertained to the declaration of and abatement of property used by criminal street gangs as a public nuisance.

LexisNexis 50 State Surveys, Legislation & Regulations

Organized Crime

[Repealed/Reserved]



11 of 21 DOCUMENTS

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*** Statutes current through the 2012 Regular Session ***
*** Annotations Current through March 29, 2013 ***

CHAPTER 14. CRIMINAL LAW
SUBCHAPTER 03 . OFFENSES AGAINST THE PERSON
ARTICLE 13A. NORTH CAROLINA STREET GANG SUPPRESSION ACT

[Go to the North Carolina Code Archive Directory](#)

N.C. Gen. Stat. § 14-50.25 (2013)

§ 14-50.25. Reports of disposition; criminal street gang activity

When a defendant is found guilty of a criminal offense, other than an offense under *G.S. 14-50.16* through *G.S. 14-50.20*, the presiding judge shall determine whether the offense involved criminal street gang activity. If the judge so determines, then the judge shall indicate on the form reflecting the judgment that the offense involved criminal street gang activity. The clerk of court shall ensure that the official record of the defendant's conviction includes a notation of the court's determination.

HISTORY: 2008-214, s. 3.

NOTES:

LexisNexis 50 State Surveys, Legislation & Regulations
Organized Crime

CASE NOTES

CITED in *State v. Dubose*, 208 N.C. App. 406, 702 S.E.2d 330 (2010).



12 of 21 DOCUMENTS

General Statutes of North Carolina
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*** Statutes current through the 2012 Regular Session ***
*** Annotations Current through March 29, 2013 ***

CHAPTER 14. CRIMINAL LAW
SUBCHAPTER 03. OFFENSES AGAINST THE PERSON
ARTICLE 13A. NORTH CAROLINA STREET GANG SUPPRESSION ACT

Go to the North Carolina Code Archive Directory

N.C. Gen. Stat. § 14-50.26 (2013)

§ 14-50.26. Matters proved in criminal trial court

A conviction of an offense defined as criminal gang activity shall preclude the defendant from contesting any factual matters determined in the criminal proceeding in any subsequent civil action or proceeding based on the same conduct.

HISTORY: 2008-214, s. 3.

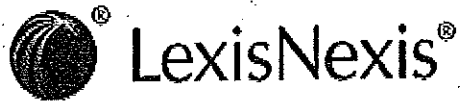
NOTES:

LexisNexis 50 State Surveys, Legislation & Regulations

Organized Crime

CASE NOTES

CITED in *State v. Dubose*, 208 N.C. App. 406, 702 S.E.2d 330 (2010).



13 of 21 DOCUMENTS

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*** Statutes current through the 2012 Regular Session ***
*** Annotations Current through March 29, 2013 ***

CHAPTER 14. CRIMINAL LAW
SUBCHAPTER 03. OFFENSES AGAINST THE PERSON
ARTICLE 13A. NORTH CAROLINA STREET GANG SUPPRESSION ACT

[Go to the North Carolina Code Archive Directory](#)

N.C. Gen. Stat. § 14-50.27 (2013)

§ 14-50.27. Local ordinances not preempted by State law

Nothing in this Article shall prevent a local governing body from adopting and enforcing ordinances relating to gangs and gang violence that are consistent with this Article. Where local laws duplicate or supplement the provisions of this Article, this Article shall be construed as providing alternative remedies and not as preempting the field.

HISTORY: 2008-214, s. 3.

NOTES:

LexisNexis 50 State Surveys, Legislation & Regulations

Organized Crime



14 of 21 DOCUMENTS

General Statutes of North Carolina
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*** Statutes current through the 2012 Regular Session ***
*** Annotations Current through March 29, 2013 ***

CHAPTER 14. CRIMINAL LAW
SUBCHAPTER 03 . OFFENSES AGAINST THE PERSON
ARTICLE 13A. NORTH CAROLINA STREET GANG SUPPRESSION ACT

Go to the North Carolina Code Archive Directory

N.C. Gen. Stat. § 14-50.27A (2013)

§ 14-50.27A. Dissemination of criminal intelligence information

A law enforcement agency may disseminate an assessment of criminal intelligence information to the principal of a school when necessary to avoid imminent danger to the life of a student or employee of the school or to the public school property pursuant to 28 C.F.R. § 23.20. The notification may be made in person or by telephone. As used in this subsection, the term "school" means any public or private school in the State under Chapter 115C of the General Statutes.

HISTORY: 2009-93, s. 1.

NOTES: EDITOR'S NOTE. --Session Laws 2009-93, s. 2, made this section effective December 1, 2009.

LexisNexis 50 State Surveys, Legislation & Regulations

Organized Crime



15 of 21 DOCUMENTS

General Statutes of North Carolina
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*** Statutes current through the 2012 Regular Session ***
*** Annotations Current through March 29, 2013 ***

CHAPTER 14. CRIMINAL LAW
SUBCHAPTER 03. OFFENSES AGAINST THE PERSON
ARTICLE 13A. NORTH CAROLINA STREET GANG SUPPRESSION ACT

Go to the North Carolina Code Archive Directory

N.C. Gen. Stat. § 14-50.28 (2013)

§ 14-50.28. Applicability to juveniles under the age of 16

Except as provided in *G.S. 14-50.22, 14-50.29, and 14-50.30*, the provisions of this Article shall not apply to juveniles under the age of 16.

HISTORY: 2008-214, s. 3.

NOTES:

LexisNexis 50 State Surveys, Legislation & Regulations

Organized Crime



16 of 21 DOCUMENTS

General Statutes of North Carolina
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*** Statutes current through the 2012 Regular Session ***
*** Annotations Current through March 29, 2013 ***

CHAPTER 14. CRIMINAL LAW
SUBCHAPTER 03. OFFENSES AGAINST THE PERSON
ARTICLE 13A. NORTH CAROLINA STREET GANG SUPPRESSION ACT

Go to the North Carolina Code Archive Directory

N.C. Gen. Stat. § 14-50.29 (2013)

§ 14-50.29. Conditional discharge for first offenders under the age of 18

(a) Whenever any person who has not previously been convicted of any felony or misdemeanor other than a traffic violation under the laws of the United States or the laws of this State or any other state, pleads guilty to or is guilty of (i) a Class H felony under this Article or (ii) an enhanced offense under *G.S. 14-50.22*, and the offense was committed before the person attained the age of 18 years, the court may, without entering a judgment of guilt and with the consent of the defendant, defer further proceedings and place the defendant on probation upon such reasonable terms and conditions as the court may require.

(b) If the court, in its discretion, defers proceedings pursuant to this section, it shall place the defendant on supervised probation for not less than one year, in addition to any other conditions. Prior to taking any action to discharge and dismiss under this section, the court shall make a finding that the defendant has no previous criminal convictions. Upon fulfillment of the terms and conditions of the probation provided for in this section, the court shall discharge the defendant and dismiss the proceedings against the defendant.

(c) Discharge and dismissal under this section shall be without court adjudication of guilt and shall not be deemed a conviction for purposes of this section or for purposes of disqualifications or disabilities imposed by law upon conviction of a crime. Discharge and dismissal under this section may occur only once with respect to any person. Disposition of a case to determine discharge and dismissal under this section at the district court division of the General Court of Justice shall be final for the purpose of appeal. Upon violation of a term or condition of the probation provided for in this section, the court may enter an adjudication of guilt and proceed as otherwise provided.

(d) Upon discharge and dismissal pursuant to this section, the person may apply for an order to expunge the complete record of the proceedings resulting in the dismissal and discharge, pursuant to the procedures and requirements set forth in *G.S. 15A-145.1*.

(e) The clerk shall notify State and local agencies of the court's order as provided in *G.S. 15A-150*.

HISTORY: 2008-214, s. 3; 2009-510, s. 2; 2009-577, s. 4.

NOTES: EFFECT OF AMENDMENTS. --Session Laws 2009-510, s. 2, effective October 1, 2010, rewrote subsection (e).

Session Laws 2009-577, s. 4, effective December 1, 2009, and applicable to petitions for expunctions filed on or after that date, in subsection (a), deleted "has not yet attained the age of 18 years, and" following "Whenever any person who" near the beginning, and inserted "and the offense was committed before the person attained the age of 18 years," near the middle; and, in subsection (d), substituted "*G.S. 15A-145.1*" for "*G.S. 14-50.30(a)*" at the end, and deleted the former second and third sentences which read: "If the court determines, after hearing, that such person was dismissed and the proceedings against the person discharged and that the person had not yet attained 18 years of age at the time of the offense, it shall enter such order. The effect of such order shall be to restore such person in the contemplation of the law to the status the person occupied before such arrest or indictment or information."

LexisNexis 50 State Surveys, Legislation & Regulations

Organized Crime



17 of 21 DOCUMENTS

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*** Statutes current through the 2012 Regular Session ***
*** Annotations Current through March 29, 2013 ***

CHAPTER 14. CRIMINAL LAW
SUBCHAPTER 03. OFFENSES AGAINST THE PERSON
ARTICLE 13A. NORTH CAROLINA STREET GANG SUPPRESSION ACT

Go to the North Carolina Code Archive Directory

N.C. Gen. Stat. § 14-50.30 (2013)

§ 14-50.30. Expunction of records

Any person who has not previously been convicted of any felony or misdemeanor other than a traffic violation under the laws of the United States or the laws of this State or any other state, may, if the offense was committed before the person attained the age of 18 years, be eligible to apply for expunction of certain offenses under this Article pursuant to *G.S. 15A-145.1*.

HISTORY: 2008-214, s. 3; 2009-510, s. 3; 2009-577, s. 5; 2010-174, s. 1.

NOTES: EDITOR'S NOTE. --This section was amended by Session Laws 2009-510, s. 3 and by Session Laws 2009-577, s. 5 in the coded bill drafting format provided by *G.S. 120-20.1*. Session Laws 2009-577, s. 5, effective December 1, 2009, made extensive amendments to the section. Session Laws 2009-510, s. 3, effective October 1, 2010, failed to account for the changes made by Session Laws 2009-577, s. 5. Subsequently, the section was amended by Session Laws 2010-174, to delete the remaining extraneous text.

EFFECT OF AMENDMENTS. --Session Laws 2009-510, s. 3, effective October 1, 2010, in subsection (b), added "and that the conviction be expunged from the records of the court" at the end of the first sentence, rewrote the former third and fourth sentences, which read: "The court shall also order that the said conviction be expunged from the records of the court, and direct all law enforcement agencies bearing record of the same to expunge their records of the conviction as the result of a criminal charge. The clerk shall forward a certified copy of the order to the sheriff, chief of police, or other arresting agency.", and deleted the former last sentence which read: "The sheriff, chief, or head of such other arresting agency shall then transmit the copy of the order with a form supplied by the State Bureau of Investigation to the State Bureau of Investigation, and the State Bureau of Investigation shall forward the order to the Federal Bureau of Investigation."

Session Laws 2009-577, s. 5, effective December 1, 2009, and applicable to petitions for expunctions filed on or after that date, rewrote the section.

Session Laws 2010-174, s. 1, effective October 1, 2010, and applicable to petitions for expunctions filed on or after that date, deleted "information and that the conviction be expunged from the records of the court, agencies the Department of Correction, the Division of Motor Vehicles, and any other State or local government agencies identified by the

petitioner as conviction petitioner's shall notify State and local agencies of the court's order as provided in *G.S. 15A-150*."

LexisNexis 50 State Surveys, Legislation & Regulations

Organized Crime



18 of 21 DOCUMENTS

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*** Statutes current through the 2012 Regular Session ***
*** Annotations Current through March 29, 2013 ***

CHAPTER 14. CRIMINAL LAW
SUBCHAPTER 03. OFFENSES AGAINST THE PERSON
ARTICLE 13A. NORTH CAROLINA STREET GANG SUPPRESSION ACT

[Go to the North Carolina Code Archive Directory](#)

N.C. Gen. Stat. § 14-50.31 (2013)

§§ 14-50.31 through 14-50.40

Reserved for future codification purposes.

[Repealed/Reserved]



19 of 21 DOCUMENTS

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*** Statutes current through the 2012 Regular Session ***
*** Annotations Current through March 29, 2013 ***

CHAPTER 14. CRIMINAL LAW
SUBCHAPTER 03. OFFENSES AGAINST THE PERSON
ARTICLE 13B. NORTH CAROLINA STREET GANG NUISANCE ABATEMENT ACT

Go to the North Carolina Code Archive Directory

N.C. Gen. Stat. § 14-50.41 (2013)

§ 14-50.41. Short title

This Article shall be known and may be cited as the "North Carolina Street Gang Nuisance Abatement Act."

HISTORY: 2012-28, s. 1.

NOTES: EDITOR'S NOTE. --Session Laws 2012-28, s. 3, made this Article effective October 1, 2012, and applicable to offenses committed and abatement actions commenced on or after that date.

Session Laws 2012-28, s. 1, enacted this section as *G.S. 14-50.31*. It has been renumbered as this section at the direction of the Revisor of Statutes.



20 of 21 DOCUMENTS

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*** Statutes current through the 2012 Regular Session ***
*** Annotations Current through March 29, 2013 ***

CHAPTER 14. CRIMINAL LAW
SUBCHAPTER 03. OFFENSES AGAINST THE PERSON
ARTICLE 13B. NORTH CAROLINA STREET GANG NUISANCE ABATEMENT ACT

Go to the North Carolina Code Archive Directory

N.C. Gen. Stat. § 14-50.42 (2013)

§ 14-50.42. Real property used by criminal street gangs declared a public nuisance: abatement

(a) Public Nuisance. -- Any real property that is erected, established, maintained, owned, leased, or used by any criminal street gang for the purpose of conducting criminal street gang activity, as defined in *G.S. 14-50.16(c)*, shall constitute a public nuisance and may be abated as provided by and subject to the provisions of Article 1 of Chapter 19 of the General Statutes.

(b) Innocent Activities. -- The provisions of this section shall not apply to real property used for criminal street gang activity where the owner or person who has legal possession of the real property does not have actual knowledge that the real property is being used for criminal street gang activity or the owner is being coerced into allowing the property to be used for criminal street gang activity.

HISTORY: 2008-214, s. 3; 2012-28, ss. 1, 2.

NOTES: EDITOR'S NOTE. --Session Laws 2012-28, s. 1, enacted this section as *G.S. 14-50.32*. It has been renumbered as this section at the direction of the Revisor of Statutes.

Session Laws 2012-28, s. 2, effective October 1, 2012, and applicable to offenses committed and abatement actions commenced on or after that date, repealed former *G.S. 14-50.24*, pertaining to the declaration of and abatement of property used by criminal street gangs as a public nuisance. The text of *G.S. 14-50.24* was substantially similar to this section, and its historical citation has been added here.



21 of 21 DOCUMENTS

General Statutes of North Carolina
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*** Statutes current through the 2012 Regular Session ***
*** Annotations Current through March 29, 2013 ***

CHAPTER 14. CRIMINAL LAW
SUBCHAPTER 03. OFFENSES AGAINST THE PERSON
ARTICLE 13B. NORTH CAROLINA STREET GANG NUISANCE ABATEMENT ACT

Go to the North Carolina Code Archive Directory

N.C. Gen. Stat. § 14-50.43 (2013)

§ 14-50.43. Street gangs declared a public nuisance

(a) A street gang, as defined in *G.S. 14-50.16(b)*, that regularly engages in criminal street gang activities, as defined in *G.S. 14-50.16(c)*, constitutes a public nuisance. For the purposes of this section, the term "regularly" means at least five times in a period of not more than 12 months.

(b) Any person who regularly associates with others to engage in criminal street gang activity, as defined in *G.S. 14-50.16(c)*, may be made a defendant in a suit, brought pursuant to Chapter 19 of the General Statutes, to abate any public nuisance resulting from criminal street gang activity.

(c) If the court finds that a public nuisance exists under this section, the court may enter an order enjoining the defendant in the suit from engaging in criminal street gang activities and impose other reasonable requirements to prevent the defendant or a gang from engaging in future criminal street gang activities.

(d) An order entered under this section shall expire one year after entry; however, the order may be modified, rescinded, or vacated at any time prior to its expiration date upon the motion of any party if it appears to the court that one or more of the defendants is no longer engaging in criminal street gang activities.

HISTORY: 2012-28, s. 1.

NOTES: EDITOR'S NOTE. --Session Laws 2012-28, s. 1, enacted this section as G.S. 14-50.33. It has been renumbered as this section at the direction of the Revisor of Statutes.

**STATE OF NORTH CAROLINA
COUNTY OF MECKLENBURG**

**IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
File No. 13-CVS-**

STATE OF NORTH CAROLINA
On Relation of **CITY OF CHARLOTTE**,
a Municipal Corporation,

Plaintiff,

v.

**HIDDEN VALLEY KINGS aka HVK,
ICEE MONEY or NORTH SIDE
VALLEY BOYS, et al.,**

Defendants.



**AFFIDAVIT OF DETECTIVE
BRETT GANT**

I, Brett Gant, am a Detective with the Charlotte-Mecklenburg Police Department ("CMPD") Gang Unit. I make this declaration in support of the Plaintiff relator's action pursuant to the North Carolina Street Gang Nuisance Abatement Act against the Hidden Valley Kings ("HVK") aka ICEE Money or North Side Valley Boys ("NSVB") criminal street gang.

1. I make this declaration because I have knowledge, due to my experience investigating the crimes of HVK street gang, of the harmful impact the gang's criminal street gang activities has had on the community of Hidden Valley. I have investigated and witnessed crimes committed by the members of HVK, and am familiar with the street gang's members, their methods and tendencies. I am of the firm belief that an order enjoining the street gang and its members from engaging in criminal street gang activities and imposing reasonable restrictions to prevent them from engaging in such activities would reduce the gang's criminal activity, limit its ability to continue creating a public nuisance affecting the residents of the Hidden Valley neighborhood, and that no other enforcement action would have the positive effect on the community's safety and well being that such an order would have.

2. I have been employed with the CMPD for the past 18 years. I have been assigned to the Gang Unit for the past 1½ years. During this assignment part of my responsibility has been the North Tryon Division, which includes the Hidden Valley Neighborhood. I have been assigned to numerous other positions throughout the Department over my career ranging from Patrol to the Violent Crime Task Force, Street Crimes Task Force and West Service Area Crime Reduction Unit.

3. During my assignments with the CMPD, I have conducted numerous gang-related investigations. I have investigated crimes committed by gang members in all assignments I have held. I have worked directed patrols in neighborhoods occupied by gang members as a uniformed patrol officer and undercover officer. I have investigated state and federal cases involving weapons, prostitution, and narcotics which involved members of the HVK / street gang.

4. Due to the nature of my previous assignments, I have directly participated in numerous arrests and searches of gang members, associates, residences, and vehicles. These searches were through consent, search incident to arrest, probable cause based on informant information or while assisting probation and parole. I have also executed and participated in search warrants on gang members' residences. During these searches, I was able to observe clothing, tattoos, photographs, graffiti, and writings that the gang members keep. I was able to develop a knowledge base on the type of paraphernalia associated with the different gangs and its significance to the gang or gang members.

5. I have contacted and interviewed people about the gang life style and gang culture. These individuals have been gang members, former gang members and family members. They have provided me with detailed information regarding gang membership, gang lifestyle, gang monikers, gang psychology and sociology, gang mentality, the role of drugs in the gangs, and other gang related intelligence. I have also discussed the methods the gang employs to evade law enforcement investigations. I have also cultivated and maintained informants over the years. These informants have provided with me information that is normally coveted as secret within the gang.

6. I have received training and education on gang culture from the North Carolina Gang Investigators Association (NCGIA) conference and Gangs in Our Midst in March of 1998 provided by the ATF. I have also attended courses provided by the CMPD's Training Academy.

7. I have learned some of the history of the HVK from talking to members of the street gang and other CMPD Detectives and Officers. HVK started as a clique of the larger county-wide gang called the Kings. This was started by two gang members known only as "Corn" and "Black," who came to Charlotte from Chicago in the late 1980's. "Corn" was a Four Corner Hustler and "Black" was a Vice Lord gang member. "Black" attempted to get permission to start a Vice Lord set in Charlotte, but was denied permission by high ranking members in Chicago. "Black" then developed the name Kings, which stood for Knowledgeable Islamic Nubian Gods. This has been modified and given other meanings over the years to include Krucial Islamic Nubian Gods.

8. There were approximately 10 original members of the Kings, "Corn," "Black," Maurice Abraham aka "Hi-C," Roscoe Abell aka "Scoe," Lavar Stywalt, Romaeo Stywalt, Antoine Grayson aka "BO-Skeet" and Dequelle Cummings aka "Shoog" that took up the name Hidden Valley Kings. In the late 1980's, their activities consisted mainly of selling narcotics for profit. Initially, a very small area of the Hidden Valley neighborhood around Wellingford Street and Springview Road was claimed by HVK.

9. HVK is a predominately African American gang. In the late 1980's, the gang was located solely in Hidden Valley Neighborhood. Most of the gang members are between the ages of 15 and 30. As membership has grown, some members have moved out of the neighborhood. Other members were added from surrounding neighborhoods which resulted in the gang expanding outside of the Hidden Valley Neighborhood. While members may live outside of the Hidden Valley Neighborhood, this community still serves as the base of operations for the gang.

10. HVK is a turf based gang, meaning it claims a particular area as its turf, and the members commit most of their crimes related to their illegal narcotics distribution operation in and around the Hidden Valley Neighborhood. The gang maintains a hold on the turf using threats, intimidation, and crimes of violence. Gang members often carry weapons, including knives, but most frequently firearms, in violation of the law, with the objective of using them to further their criminal aims and control of territory. HVK, like other criminal street gangs, claims turf because it gives them a bigger area in which to operate and members will protect this area from incursions from other gangs. Recently beginning around 2012, the graffiti has stopped for the most part due to the reputation the gang has built and the fear they have instilled in members

of the community as well as other rival gangs. Many gang members refer to the Hidden Valley Neighborhood as the "The Valley."

11. While the Hidden Valley Neighborhood is the base of operations, members of the Hidden Valley Kings also commit crimes outside of the Hidden Valley Neighborhood. The gang has committed robberies, assaults, shootings, intimidation, auto thefts, and break-ins all over Mecklenburg County. They commit crimes outside of the neighborhood because their victims are less likely to be able to identify them if they are seen, and they will prey on anyone anywhere that an opportunity presents itself.

12. HVK gang members demand "respect" from everyone in the neighborhood as a way to control the neighborhood. However, what they are really doing is instilling fear of the gang in everyone who lives in the community. By showing residents of the neighborhood that the gang is willing to commit acts of violence to maintain control of the neighborhood, they create an atmosphere of constant fear. This helps the gang exert control over the neighborhood, because if people are afraid they will not challenge the gang members, report crimes, or to testify against the gang members in court. This is a reason why crimes such as graffiti, robberies, shootings, auto theft, and drug sales occur right out in the open, but are so hard to investigate and prosecute.

13. As membership in the gang grew, so did the HVK's area of operations and control. HVK claims as its turf an area bordered by West Sugar Creek Road on the south, Reagan Drive on the west, North Tryon Street on the east, and the intersection of Reagan Drive and North Tryon Street on the north. Members of the gang have told me that they claim the "Valley" which is determined by the streets detailed above. This area is one of the largest areas controlled by a single street gang in Charlotte, North Carolina. The gang's reputation as a major power has accrued over the years and has allowed the gang to control its turf for a long time span. This is probably one of the main reasons that people from the neighborhood join the gang.

14. HVK has several rival gangs in the Charlotte area. Most of the gangs are not located in or around the Hidden Valley Neighborhood, which is another reason the gang has been able to control the neighborhood for so long. HVK's biggest rival gang is the Greenville Mob Bloods, which is located in the Greenville Neighborhood. There have been several shootings that have occurred in the city of Charlotte between these two gangs. There has been very little cooperation during the investigation of these crimes and most of these shootings have gone

unsolved. HVK is often the target of shootings from rival gangs who come into the area to attack gang members, and then flee back to the safety of their own neighborhoods. HVK engages in criminal street gang activities both inside and outside of their turf, which inevitably results in retaliatory violence between them and rival gangs. This violence puts citizens in the Hidden Valley Neighborhood and Charlotte area at risk of physical harm, including being caught in the crossfire between the gangs. The violence associated with HVK is a constant concern for citizens living in the Hidden Valley Neighborhood and elsewhere in Charlotte. When HVK gang members commit assaults against members of their rival gangs, this results in inevitable retaliation against HVK in the Hidden Valley Community. The shooting back and forth between neighborhoods occurs without regard to whether the intended target is a gang member and innocent bystanders are often victimized. These are some of the most difficult crimes to investigate because of the gang's code of silence and witnesses often do not cooperate because of fear of retaliation against those who speak with police. The gang fosters this fear when members assault or harass people for the smallest perceived insult.

15. People join the gang for many different reasons. Some members join because their family members are in the gang. Some join to fit in, impress girls, or impress their friends. Membership in the gang gives members perceived status, because people know who you are, and will probably fear you. Other members join for protection – for example a weaker person who is picked on will join the gang in an effort to keep others from preying on them. The protection aspect is held true by the fact that there is strength in numbers.

16. HVK, even though it is a somewhat loose knit organization, has a hierarchy led by Wendell McCain which dictate some of the criminal street gang activities within the Hidden Valley Neighborhood. While there is some separation between the older and younger members of HVK, some of the older HVK gang members direct the criminal street gang activity of younger HVK gang members. HVK has one identified lower rank within the gang which is the Baby Gangsters or BGs. The rank of BG is held by mainly younger members who have not yet established their reputation to be considered a Hidden Valley King. Most of the members with the rank of BG are “putting in work” in order to establish themselves as a respected member and hope to achieve the higher status. The Hidden Valley Kings are currently having no problem recruiting members. There are enough people who want to get into the gang right now that they do not have to go out and recruit. I estimate there are somewhere around 20 documented

members that are actively representing the gang in the Hidden Valley Neighborhood at the present time, but believe that the total number of members is much greater than this. The gang members who are actively "gang-banging" or committing crimes or putting in work for the gang or in the gang's name in the area varies because the gang members cycle in and out of the activity, due to many factors like being in jail or prison, or being out of the area because they are actively wanted by the police. HVK has a constant hold and visible presence in Hidden Valley.

17. HVK is made up of three levels or tiers of gang members. Tier 1 consists of the oldest members, while Tier 2 and 3 contain younger members. Tier 3 contains the youngest gang members who also referred to as Baby Gangsters (BGs). See Exhibit C attached hereto and incorporated by reference herein.

18. Individuals are identified as HVK gang members in a number of ways. Some gang members have admitted to officers that they belong to HVK, thereby becoming self-admitted gang members. Others have been identified from other sources such as gang tattoos, gang signs, being identified by other known gang members, having been found associating or committing crimes with other known gang members, and/or from postings found on social media sites.

19. Wendell McCain ("McCain") aka "Face" is the leader of HVK and part of the upper echelon or Tier 1 of the gang, which also consists of Kevin Funderburk ("Funderburk") aka "Kevo," Reginald Carter ("Carter") aka "Juke," Brandon Clark ("B. Clark") aka "B-Lo," Cordell Blair ("Blair") aka "Big Homie," Terrence Cunningham ("T. Cunningham") aka "T-Bone," Randy Hodge aka "Bo," Cedrick Ratliff ("C. Ratliff"), Meredith Cunningham ("M. Cunningham") and Antonio Covington ("Covington").

20. Tier 1 HVK gang members have been identified, as follows:

a. McCain is a self-admitted member of HVK. McCain regularly associates or commits crimes with other known gang members, and has been identified as a member by other known gang members. McCain has also been identified as a gang member through postings on social media sites. McCain has HVK gang tattoos and has displayed HVK gang signs;

b. Funderburk has HVK gang tattoos and has displayed HVK gang signs. He has been identified as a gang member by other known HVK gang members, and regularly

associates or commits crimes with other known gang members. Funderburk has also been identified as a gang member from postings on social media sites;

c. Carter has displayed HVK gang signs, and been identified as a member by other known HVK gang members. He has also been identified through postings on social media sites, and regularly associates or commits crimes with other known gang members;

d. B. Clark is a self-admitted member of HVK. He has gang tattoos and has displayed gang signs. Clark has been identified by other gang members as a member of HVK, and regularly associates or commits crimes with other known gang members. He has also been identified as a member of HVK through postings on social media sites;

e. Blair has been identified as a member by other known HVK gang members and regularly associates or commits crimes with other known gang members. He has also been identified by having displayed gang signs and from postings on social media sites;

f. T. Cunningham has displayed HVK gang signs and been identified as a member from postings on social media sites. He has been identified as an HVK member by other known gang members, and regularly associates or commits crimes with them;

g. Randy Hodge has displayed HVK gang signs and been identified as a member by other HVK gang members. He regularly associates or commits crimes with other known gang members. He has also been identified as a member of HVK from postings on social media sites;

h. M. Cunningham has been identified by other know HVK gang members as a member in the gang. He regularly associates or commits crimes with other known gang members; and,

i. Covington has HVK gang tattoos, and has displayed gang signs. He has been identified as a member of the gang by other known HVK gang members, and regularly associates or commits crimes with them. He has also been identified as a gang member from postings on social media sites.

21. HVK like most established gangs had at least one sub-group, referred to as a clique. HVK's main clique was the North Side Valley Boys or NSVB. The NSVB could best be described as the "AAA league" of the HVK street gang. The NSVB originated with the younger guys who aspired to become recognized as members of the Hidden Valley Kings. By 2004, a younger group of HVK members that hung out in the Hidden Valley Neighborhood in the area of

Wellington Street and Springview Road started to appear and they referred to themselves as the NSVB. Most of these members were still in high school at the time. The NSVB also used the names "Valley Boys" or "Norfolk Side Valley Boys." Not only do they use these names when referring to themselves, but these names are found in their graffiti and the tattoos that some of the members use to proclaim their membership in the gang.

22. The NSVB clique often emulated the actions of the older members who had reached the status of being called a Hidden Valley King. Several members of the Valley Boys attended parties and functions with members of HVK. Members of the NSVB were often involved in dealing narcotics with older members of HVK and had been involved in other offenses such as robberies, breaking and entering, and assaults. Over the years a number of NSVB were elevated in the ranks of the gang and became considered HVK, such as McCain, Blair, Reed, B. Clark, J. Ratliff, Taylor and T. Clark.

23. In 2012, Wendell McCain started a record label called ICEE Money. Several members from HVK now consider themselves ICEE Money. Based upon information I have obtained through members of HVK, ICEE Money is comprised of persons who are considered the upper echelon or Tier 1 of HVK.

a. On April 3, 2013, Officer C. Thompson and I went to the N. Tryon Team Office to interview Wendell McCain. During the interview McCain admitted starting and being the head of ICEE Money. He also confirmed that Cordell Blair, Terrence Cunningham, Kevin Funderburk, Reginald Carter, and Antonio Covington are all part of ICEE Money.

b. McCain had "Zone 3" tattooed on his left forearm. When asked what the tattoo meant he stated that zones are the way people control the neighborhood. Then he clarified by stating "Well, that's what I saw on 'Gangland.'" Further on in the interview I asked how much marijuana he smoked. McCain stated that he did not smoke. I then stated that he must sell marijuana then and he just looked at me.

c. On March 21, 2013, a confidential and reliable informant identified a telephone number for McCain and stated that he had purchased marijuana 10 or 15 times over a six month period during which McCain, Covington and Carter were present.

d. McCain identified this telephone number as his and calls to his number were placed on April 24, 25, 26 and May 1, 2013. On all four occasions Funderburk and Blair

arrived to sell or deliver marijuana to a confidential and reliable informant or to undercover CMPD Detectives. See ¶46.p. through s.

e. On or about July 2013, a confidential and reliable informant made contact with McCain to obtain marijuana. McCain stated that he was not doing business because he was on house arrest and that the confidential and reliable informant needed to call Funderburk.

f. On July 23, 2013, after determining that McCain was no longer under house arrest, CMPD Officers were able to set up a delivery of marijuana using this telephone number during which McCain made the delivery.

24. Tier 2 members of HVK include Cameron Hearn ("Hearn"), Drequez Caldwell ("Caldwell"), Jashari Billups ("Billups"), Arthur Taylor ("Taylor"), Magi Horton ("Horton"), Rashard Hodge, James Ratliff ("J. Ratliff"), Oshane Walker ("Walker") and Jarvis Reed ("Reed").

25. Tier 2 HVK gang members have been identified as HVK gang members, as follows:

a. Hearn has been identified as HVK by other gang members, and regularly associates or commits crimes with other known HVK gang members. He has displayed gang signs and been identified as a gang member through postings on social media sites;

b. Caldwell had displayed gang signs and been identified as HVK from postings on social media sites. He has been identified by other gang members and regularly associates or commits crimes with other known gang members;

c. Billups has displayed gang signs, been identified by other gang members as HVK, and regularly associates or commits crimes with other known gang members;

d. Taylor has been identified as HVK through his displaying gang signs and from postings on social media sites. He has been identified as HVK by other gang members, and regularly associates with other known gang members;

e. Horton is a self-admitted member of HVK. He has displayed HVK gang signs, been identified as a member by other HVK members, and regularly associates or commits crimes with other known gang members. He has also been identified through postings on social media sites;

f. Rashard Hodge regularly associates or commits crimes with other known HVK gang members, and also been identified from postings on social media sites;

g. J. Ratliff regularly associates with other known HVK members;
h. Walker regularly associates or commits crimes with other known HVK gang members; and,

i. Reed has been identified as HVK from his display of gang signs, being identified by other gang members, postings on social media sites, and his regularly associating or committing crimes with other known gang members.

26. Tier 3 members of HVK include Jamal Lattimore ("Lattimore"), Dontavious Newton ("Newton"), Earnest Cash ("Cash") and Shari Harris ("Harris").

27. Tier 3 HVK gang members have been identified as HVK gang members, as follows:

a. Lattimore was identified as HVK through his display of gang signs, having been identified as such by other gang members, his regular association or commission of crimes with other known HVK gang members, and from postings on social media sites;

b. Newton is a self-admitted member of HVK. He was also identified as a gang member by his display of gang signs, being identified by other gang members, and from his regular association or commission of crimes with other known HVK gang members;

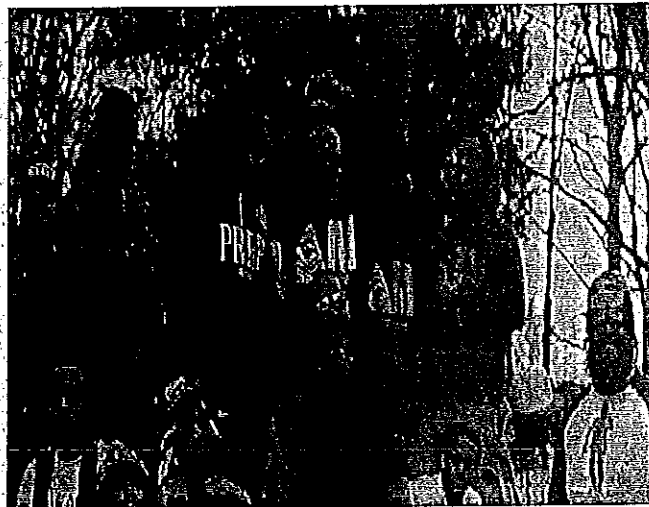
c. Cash was identified as HVK by other gang members and regularly associating or committing crimes with other known HVK gang members; and,

d. Harris was identified as HVK by other gang members, by displaying HVK gang signs, by regularly associating or committing crimes with other known HVK gang members, and from postings on social media sites.

28. HVK uses symbols in their graffiti, tattoos, hand signs, and writings. They use the initials "H" and "V" as a symbol for the gang, and they frequently use "HV" in graffiti, letters, and tattoos. Gang members often use hand signs to show that they belong to or are "down with" the gang. They use the "thumbs up" sign to show "North Side" and have an "HV" hand sign which is displayed by holding the middle finger down with the thumb. This display creates the letter H using the index finger with the ring finger, and connecting the two with the bent middle finger. The letter V is then formed by the ring finger and the pinky finger. The gang also has an ICEE Money hand sign which is displayed by the index finger and the thumb on both hands to form a triangle. Using hand signs or "throwing signs" can be used to show pride in the gang, as a challenge to a rival gang member or as a way to intimidate a non-gang member.

Some of these hand signs are illustrated in the figures found in the following paragraphs which were recovered by CMPD from the photos and/or social site postings of HVK gang members.

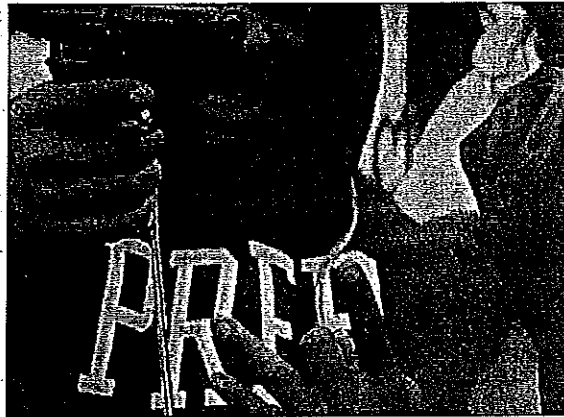
29. Below is a picture pulled from a YouTube video entitled "IME Presents: Kevo, Facelucas, TBone 'We On It' | Shot By @BOSSDOGGBEATZ," located at <http://www.youtube.com/watch?v=AuP4ex4vfAQ> that was published on January 12, 2013. The picture shows Cameron Hearn (back row) flashing the ICEE Money hand sign above Wendell McCain's head. In the back row from left to right are Magi Horton aka "G" (in camouflage jacket), Shari Harris aka "Demon," and Cameron Hearn aka "Cam." In the front row from left to right are Kevin Funderburk aka "Kevo" (in black and yellow toboggan), Reginald Carter aka "Juke," Wendell McCain aka "Face," Terrence Cunningham aka "T-Bone" and Cordell Blair aka "Big Homie."



30. Below is a picture of Wendell McCain using a hand sign to designate the ICEE Money triangle taken from the video referenced in the preceding paragraph.



31. Below is a picture of Shari Harris flashing the hand sign used to designate membership in HVK. This picture was taken from the video referenced in the paragraph 30.



32. Below is a picture of Drequez Caldwell, demonstrating the logo for ICBE Money by using his hands and a firearm to form a triangle. This picture was taken from the video referenced in paragraph 30.



33. The picture below was also taken from the video referenced in paragraph 30. In this picture are Wendell McCain (center, sunglasses dark shirt), Magi Horton (to McCain's right, holding a pistol and wearing a camouflage jacket), and Shari Harris (to Horton's right, holding a pistol and wearing a blue sweatshirt) To McCain's left is Terrence Cunningham holding a pistol in his left hand. In this picture several other individuals can be seen flashing the triangle for ICBE Money.



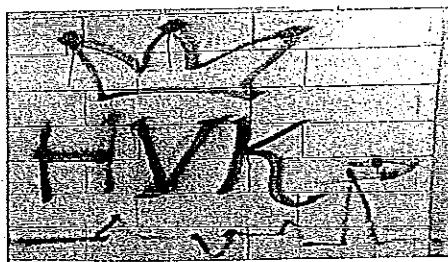
34. Below are two pictures of Magi Horton, demonstrating the hand signs for HVK and ICEE Money. These pictures were taken during his arrest and interview of March 26, 2013. In the interview Horton admitted that he had purchased marijuana from McCain and Blair.



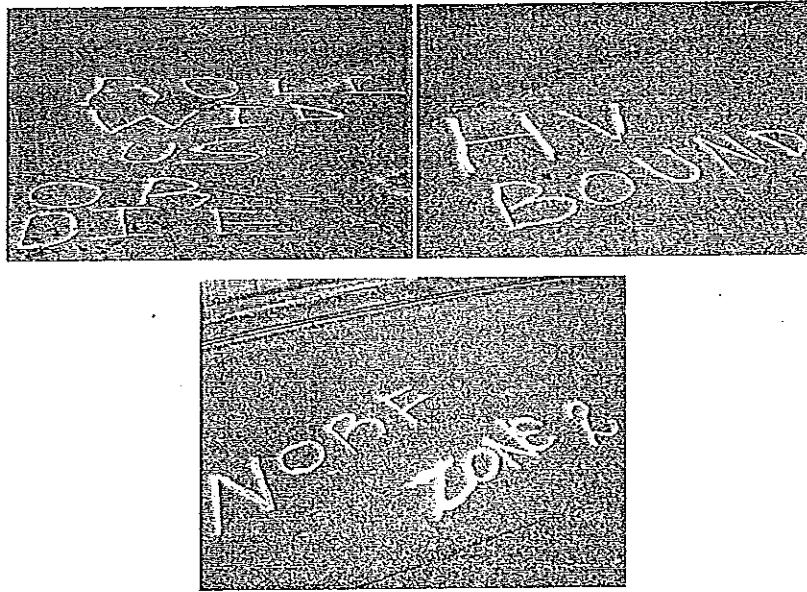
35. Below is a picture taken from a YouTube video titled "FAICEEMONEY" located at <http://www.youtube.com/watch?v=OxlrBH91tWU>. In this picture are HVK members Reginald Carter (purple shirt displaying ICEE Money symbol), Rashard Hodge (on the right with his thumb up displaying the NSVB sign), Terrence Cunningham (red shirt displaying a peace sign), Arthur Taylor (white t-shirt and glasses, holding up the Hidden Valley sign), Wendell McCain (white t-shirt) and Kevin Funderburk (black shirt) holding up the ICEE Money symbol.. This picture shows the hand signs for HVK, ICEE Money and NSVB. Based on my training and experience, it is my opinion that this shows that HVK, ICEE Money and NSVB are associated together as a criminal street gang.



36. HVK uses graffiti as a way to claim territory and send intimidating messages in the Hidden Valley neighborhood, as well as other places. The message is that the neighborhood belongs to us. HVK has controlled the neighborhood of Hidden Valley for so many years that they do not need to mark their turf on a regular basis. It is known throughout the city of Charlotte that the street gang controls the Hidden Valley Neighborhood. Below are a few examples of HVK graffiti used to mark or "tag" property. The following picture was taken at Vance High School by CMPD School Resource Officer Farewell.



The three pictures below were taken at Springview Road and Wellingford Street by Officer Moore in the North Tryon Division. Based on my training and experience, I believe that graffiti is used not only to mark territory but to intimidate residents and other rival gang members. The first picture is a clear example of intimidation and includes a threat that if persons do not support the gang they will be killed.

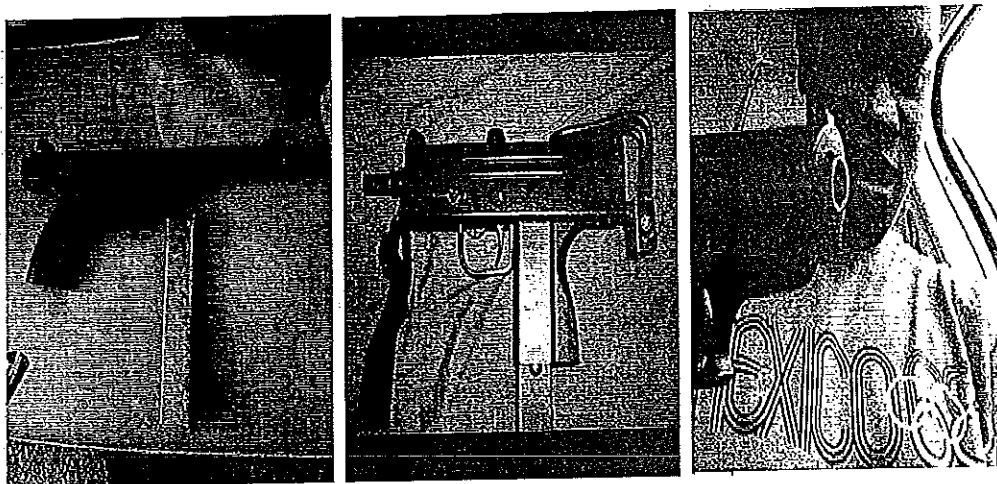


37. Attached hereto and incorporated by reference herein are two disks identified as Exhibits D and E. Exhibit D contains a rap video produced by ICEE Money entitled "Tbone · Kevo · FaceLucas - We Outcha' [Official Video]," located at <http://www.youtube.com/watch?v=MeL1PbjUHuW>. In this video, Wendell McCain, Kevin Funderburk and Terrence Cunningham make specific references to gang activity and crimes committed in the Charlotte area.

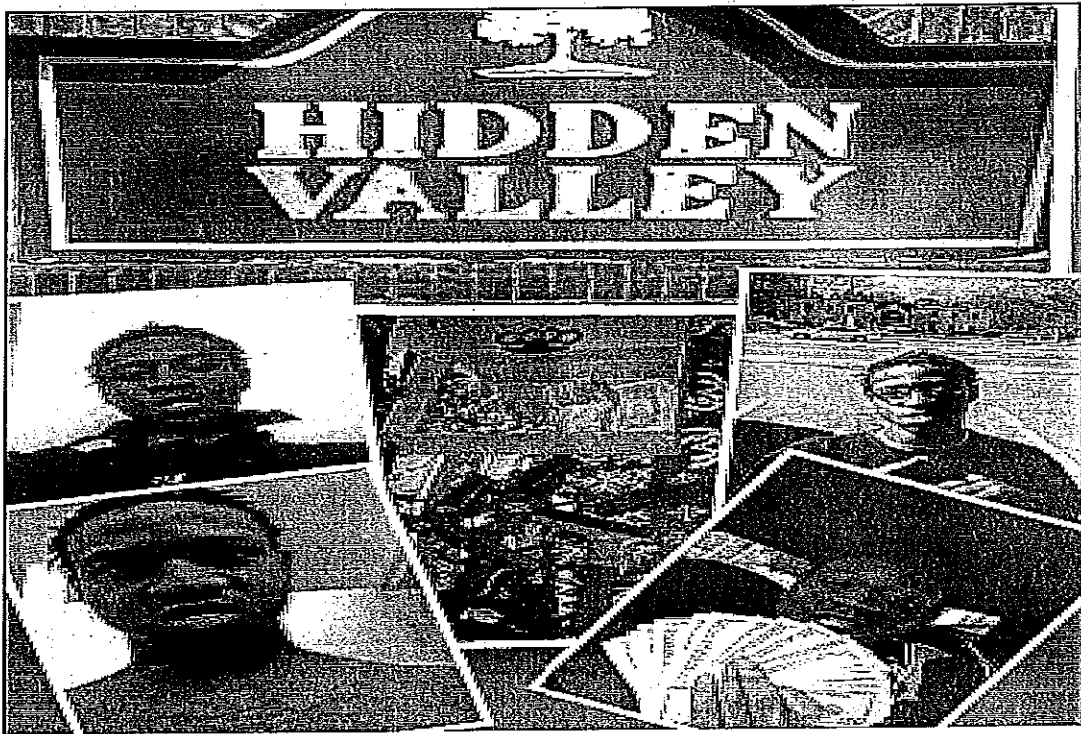
Exhibit E contains three videos. The first video is entitled "FaceLucas · Kevo · Tbone - FAICEEMONEY [Official Video]," located at <http://www.youtube.com/watch?v=SbkmGNQEpZk>. In this video are HVK gang members Reginald Carter, Terrence Cunningham, Wendell McCain, Kevin Funderburk, Randy Hodge, Magi Horton, Cordell Blair, Arthur Taylor, Drequez Caldwell and Cameron Hearn. The second video (referenced in paragraphs 30 to 34) is entitled "IME Presents: Kevo, Facelucas, TBone "We On It" Shot By @BOSSDOGGBEATZ," located at <http://www.youtube.com/watch?v=AuP4ex4vfAQ>, contains gang members Reginald Carter, Terrence Cunningham, Wendell McCain, Kevin Funderburk, Randy Hodge, Magi Horton, Cordell Blair, Drequez Caldwell, Shari Harris, Tyler Clark, Brandon Clark, Antonio Covington and Cameron Hearn. The third video is entitled "Tizzy Hustle Man Behind the Scenes," located at http://www.youtube.com/watch?v=Gv-J-b_jPUo and contains gang members Reginald Carter, Terrence Cunningham, Wendell McCain, Kevin Funderburk, Randy Hodge, Magi Horton,

Cordell Blair, Arthur Taylor, Drequez Caldwell, Shari Harris, Tyler Clark, Brandon Clark, Antonio Covington, Chavis McFadden, Jarvis Reed and Cameron Hearn. HVK gang members can be seen flashing HVK and ICEE Money hand signs. The videos also show gang members making specific reference to criminal street gang activity and violent criminal conduct.

38. The picture frames below were taken from the Twitter account of Jaquez Walker (<https://pbs.twimg.com/media/BC6ex4MCAAAIwEA.jpg> and <https://pbs.twimg.com/media/BCxPqacCAAA4 U.jpg>). The weapon displayed in the first frame is an automatic pistol. The weapon in the second frame is a Mac-10, and the third frame depicts the barrel of a handgun being held by Shari Harris while he is driving. Based on my training and experience these pictures are used to boost the member's reputation in the gang and demonstrate the individual's propensity for violence.



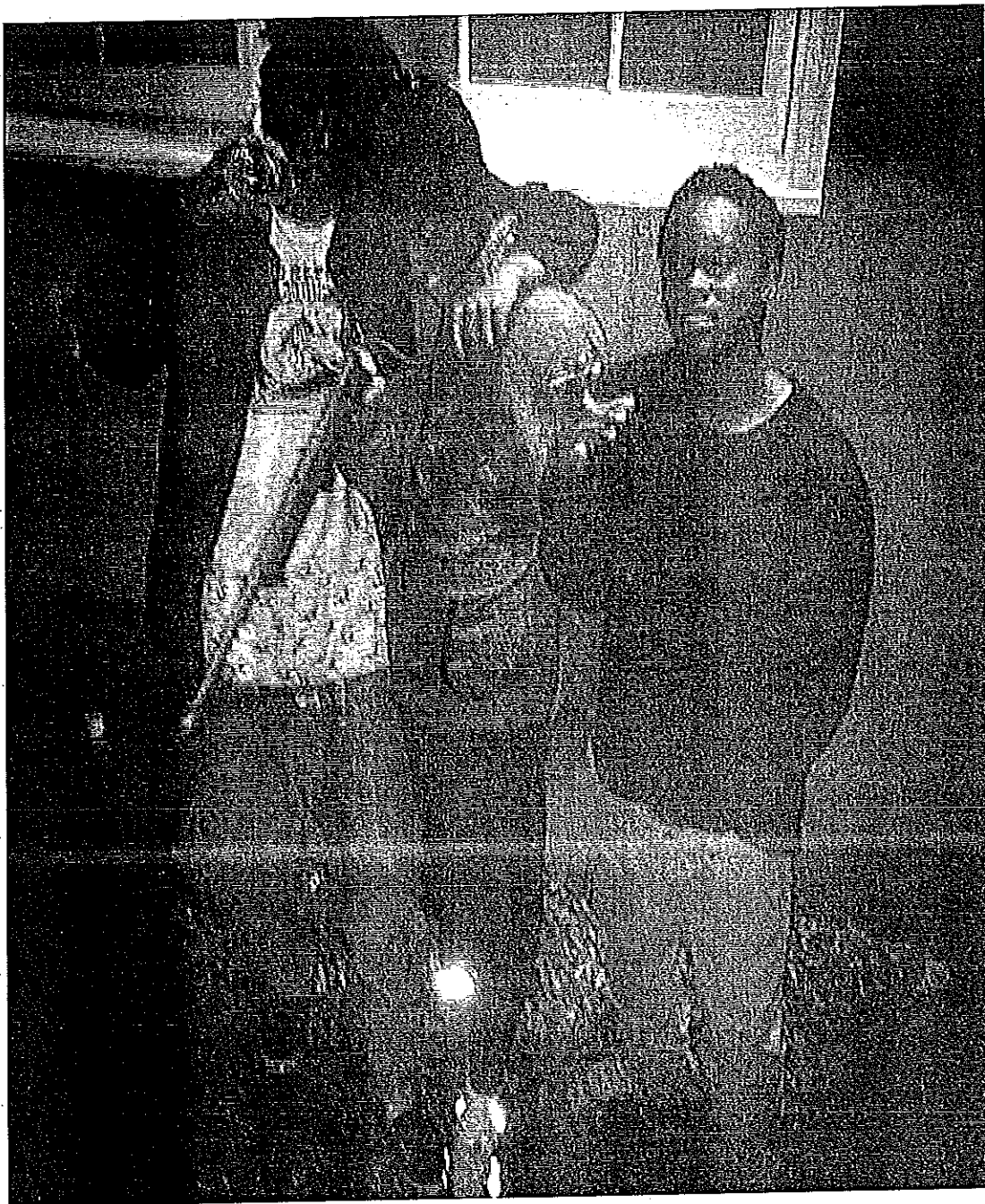
39. The picture below was taken from the Twitter account of Magi Horton. The picture shows several firearms, brass knuckles and Magi Horton flashing the ICEE Money triangle. The backdrop is the Hidden Valley Community sign that is posted at the entrance of the neighborhood.



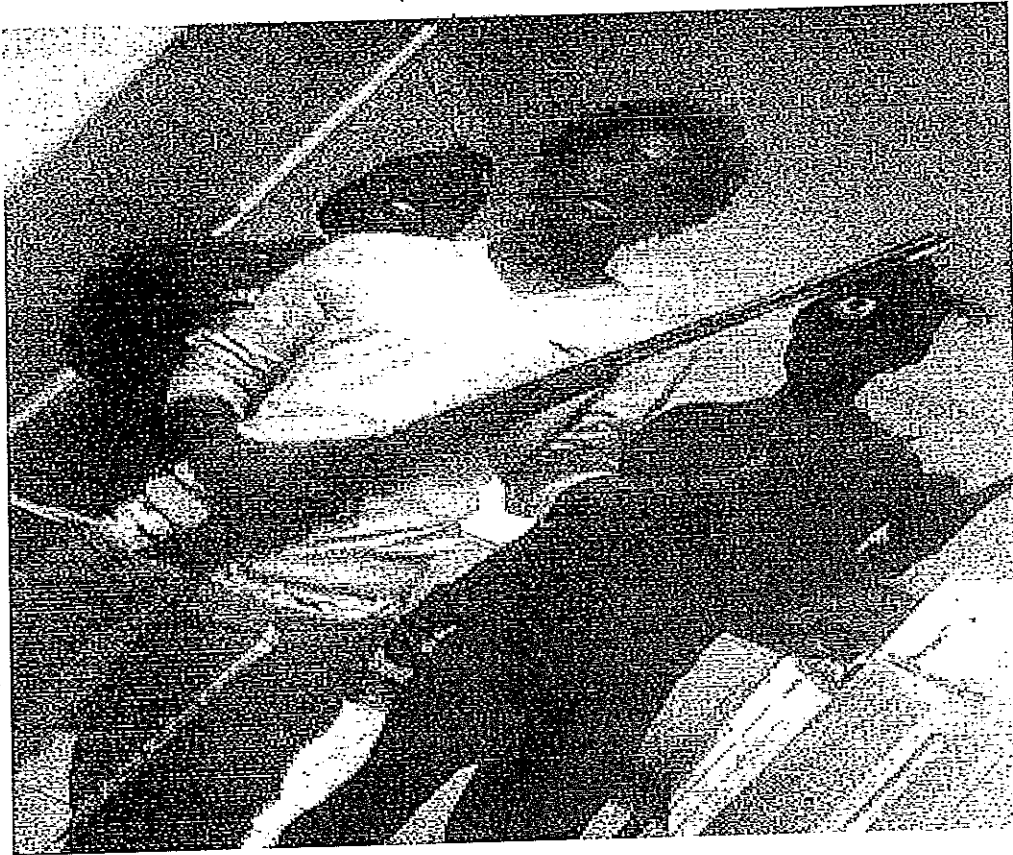
40. The picture below was taken from a social media site posting on March 11, 2013, and depicts Jaquez Walker holding a firearm in his right hand while Jamal Lattimore is flashing the HVK gang sign.



41. The picture below was taken from a social media site posting on April 15, 2013, and depicts Jaquez Walker (left), an unidentified subject (center), and Shari Harris (right).



42. The photograph below shows Jaquez Walker holding a rifle. Behind him are Jamal Lattimore and Rashawn Bell flashing the HVK gang sign.



Jaquez WALKER (w/ gun)
Jamal LATTIMORE (in red shirt)
Rashawn BELL (in black)

43. HVK gang members regularly commit crimes including narcotics sales, assaults with deadly weapons, robberies, burglaries, and vandalism. HVK engages in criminal street gang activities such as the distribution of marijuana, felony property crimes and robberies to obtain money to fund their illegal activities and the commission of violent crimes to promote and protect their turf and illegal narcotics operation. Members of the gang use their knowledge of the Hidden Valley neighborhood and people in the neighborhood to facilitate drug transactions conducted there.

44. I am personally aware through my investigations and the investigations of other officers that the felony crimes committed by members of HVK are committed with the specific

intent to further the member's involvement in HVK as well as to increase the reputation and status of the gang itself. For example, many HVK gang members are involved with the distribution of illegal drugs. When a confidential informant called Jaquez Walker to set up a purchase of marijuana, he and another younger member of HVK responded to complete the deal. During the meeting, the two advised that they needed to leave to retrieve the remainder of the product. When they returned they were armed and attempted to rob both the undercover officer and the informant. The HVK gang members shot the informant and police returned fire killing one of them. (See ¶46.w. & x.)

45. I am personally aware through investigations and interviews that HVK members have admitted that the proceeds from the sale of narcotics and from felony breakings or entering, burglaries and robberies are used to purchase firearms for members of HVK to commit further acts of violence. Lower level HVK members have also admitted to obtaining marijuana to sell or deliver from Tier 1 HVK gang members.

a. During an interview of Jaquez Walker on March 21, 2013, Walker admitted that he, Dontavious Newton (\$200) Tec 9 and Cameron Hearn had put in money together to buy a Tec 9 and Tec 10 firearms. He also admitted that he and Jamal Lattimore had put in money together to buy a .38 in the summer of 2012. Walker admitted that he stated and Shari Harris had obtained a .22 rifle in a robbery, and that he had purchased a .22 pistol and a .25 pistol. Walker stated that Ernest Cash had bought a .38 special. Walker admitted that the guns would be stored at Shari Harris', Magi Horton's or Cameron Hearn's home for gang members in the Hidden Valley neighborhood to have access to.

b. Walker also admitted that the Tier 1 members of HVK would obtain marijuana and filter it down through the gang members in the lower Tiers. Walker specifically identified McCain and Randy Hodge as supplying marijuana for him, Shari Harris, Magi Horton, Cameron Hearn, and Jashari Billups to sell or deliver.

c. On April 12, 2013, Shari Harris was interviewed and he admitted that he has purchased marijuana himself from Randy Hodge 4 to 5 times. Harris admitted that he purchased marijuana more than 20 times from Randy Hodge by pooling his money together with other people. Harris stated that he has seen between 10 and 15 firearms when purchasing marijuana.

d. Jamal Lattimore was interviewed on April 10, 2013. Lattimore admitted that if he needed a firearm he would go to Jaquez Walker and that if he needed to buy a gun he would go to Randy Hodge. Lattimore stated that he was aware that Jaquez Walker and Shari Harris had put money in together and bought a gun in mid to late February 2013. Lattimore also stated that Ernest Cash had bought a gun from Randy Hodge around New Years Eve. Lattimore admitted that he has purchased marijuana from Randy Hodge 2 to 3 times last summer and that he, Jaquez Walker and Shari Harris had purchased marijuana together about 15 times from Randy Hodge and Wendell McCain. Lattimore also stated that Jaquez Walker and Shari Harris did a "lick" last Thanksgiving and that they got about 2 to 3 ounces of marijuana which they gave to Tier 2 HVK members Cameron Hearn, Oshane Walker and Jashari Billups.

46. HVK gang members have regularly engaged in criminal street gang activity within the past 12 months and have committed at least five qualifying felony offenses since October 2012, including, but not limited to:

a. McCain committed on or about October 7, 2012, the felony crime of Assault with a Deadly Weapon with Intent to Kill, G.S. 14-32. Family members of Anthony Alexander and confidential informants reported that Alexander was involved in a physical altercation at a nightclub with McCain on Saturday night (10/6/2012) or early Sunday morning (10/07/2012). After the altercation, a white Chevrolet Malibu was seen in the area of Bannister Place just prior to a black male with long dreads shooting at McCain (See Report #20121007032200). Later on Sunday, Ronell Mason and Timmario Williams were shot while in a white Chevrolet Malibu and were then dropped off by this vehicle at CMC University (See Report #20121007174102). Homicide/ADW detectives received information reporting that on the evening of October 7, Alexander and Emileo Blount were driving around the Hidden Valley area in a dark blue Chrysler 300. While they were in the area, McCain drove up on them in a white or silver truck and shot into their vehicle. At around this same time, McCain's grandmother's residence was shot in to at 815 Squirrel Hill Road (KBCOPS Report #20121007174102;

b. McCain committed on or about October 7, 2012, the felony crime of Accessory to Assault with a Deadly Weapon with Intent to Kill, G.S. 14-32. Robbery detectives were working the case of Emileo Blount referenced in the preceding paragraph. All three residences from the shootings which occurred on October 8, located on Cypress Tree Lane,

Lawrence Orr Road and Burton Street, were determined to be residences of associates of Ronell Mason, Timmario Williams, and Dominic Alexander. In each of these incidents a light colored truck was reported as being in the area around the time of the shootings. Homicide/ADW detectives received information indicating that McCain was the suspect driving the vehicle (KBCOPS Report #20121007233000);

c. McCain and Carter committed on or about October 9, 2012, the felony crime of Possession with Intent to Sell or Deliver (PWISD) Marijuana, G.S. 90-95. Officers witnessed McCain conduct a hand-to-hand drug transaction with a subject in the PVA of the Northstar Food Mart located at 5926 North Tryon Street. Officers located \$849 in cash on McCain in the cargo pocket of his shorts, which consisted of 1x\$50, 34x\$20, 5x\$10, 10x\$5, and 19x\$1, and 40.9 grams of marijuana from inside of McCain's underwear. Officers also located 26.3 grams of marijuana that Carter attempted to hide by placing it under the driver's seat in a patrol vehicle. Carter was also found to be in possession of \$239 cash and a cell phone. (KBCOPS Report #20121009123104);

d. McCain committed on or about October 11, 2012, the felony crimes of Possession with Intent to Sell or Deliver (PWISD) Marijuana and Maintain a Dwelling, G.S. 90-95 & 90-108(a)(7). A search warrant was executed at 603 Dobson Drive and McCain was charged with PWISD Marijuana, Maintain Dwelling for Keeping/Selling of a Controlled Substance - Marijuana (KBCOPS Report #20121011071600);

e. Randy Hodge committed on or about December 1, 2012, the felony crime of PWISD Marijuana, G.S. 90-95. CMPD ABC Officers Mickley and Denton made voluntary contact with a Randy Hodge at a club located at 124 Atando Drive. Hodge was in possession of a baggie that contained 19.3 grams of marijuana. He was also in possession of a scale with marijuana residue on it (KBCOPS Report #20121201001705);

f. T. Cunningham committed on or about February 11, 2013, the felony crime of the PWISD Marijuana, G.S. 90-95. A search warrant was executed by SWAT at 1316 Squirrel Hill Road. Meredith Cunningham was detained in the kitchen while Terrence Cunningham was being escorted out of his back bedroom. SWAT officers advised that the black Glock 26 that was lying on Terrence Cunningham's bed belonged to him and that he was going for his gun when SWAT made entry because he thought it was a home invasion. Also located in Terrence's room was \$139.00 in cash and a bag of marijuana with individually packed bags on

top of a speaker about four feet from the basket. The total amount of marijuana located weighed 40.7 grams. Also located was a marijuana water pipe under the bed, along with four paper plates that had marijuana residue on them. It appeared that the plates were used to contain the marijuana while it was being packaged. Multiple baggies with the corners cut out were found inside the trash bag in the room. This is consistent with packaging marijuana for selling (KBCOPS Report #20130211134101);

g. Lattimore committed on or about February 22, 2013, the felony crime of Armed Robbery, G.S. 14-87 (KBCOPS Report# 20130222231902);

h. Horton committed on or about March 26, 2013, the felony crime of Possession of a Firearm by a Convicted Felon, G.S. 14-415.1 (KBCOPS Report #20130326090803);

i. McCain and Blair committed on or about April 3, 2013, the felony crime of PWISD Marijuana, G.S. 90-95. McCain was found in possession of 26.6 grams of marijuana and \$2157.00 cash. Blair had \$706.00 cash on him and there was an additional 41.3 grams of marijuana located in the vehicle they were in (KBCOPS Report #20130403141000);

j. Harris and Newton committed on or about April 3, 2013, the felony crime of breaking or entering, G.S. 14-54. Harris and Newton were arrested for breaking or entering into Martin Luther King Middle School (KBCOPS Report #20130403004205);

k. J. Ratliff committed on or about April 5, 2013, the felony crime of Speeding to Elude Arrest, G.S. 20-141.5 (KBCOPS Report# 20130405134101);

l. Randy Hodge committed on or about April 11, 2013, the felony crime of PWISD Marijuana, G.S. 90-95 (KBCOPS Report #20130411164102);

m. McCain and Blair committed on or about April 13, 2013, the felony crime of PWISD Marijuana, G.S. 90-95. McCain and Blair fled the scene of a traffic stop driving recklessly and speeding along Cinderella Road attempting to elude officers. They were found in possession of 59.5 grams of marijuana which was packaged in a clear plastic bag. (KBCOPS Report #20130413121700);

n. Reed and Rashard Hodge committed on or about April 18, 2013, the felony crimes of Sell or Deliver Cocaine and Sell or Deliver Marijuana, G.S. 90-95 (KBCOPS Report #20130418163702);

o. Reed committed on or about April 19, 2013, the felony crime of Sell or Deliver Cocaine, G.S. 90-95 (KBCOPS Report# 20130419170800);

p. Funderburk and Blair committed on or about April 24, 2013, the felony crime of Sell or Deliver Marijuana, G.S. 90-95 (KBCOPS Report #20130424192505);

q. Funderburk and Blair committed on or about April 25, 2013, the felony crime of Sell or Deliver Marijuana, G.S. 90-95 (KBCOPS Report #20130425150800);

r. Funderburk and Blair committed on or about April 26, 2013, the felony crime of Sell or Deliver Marijuana, G.S. 90-95 (KBCOPS Report #20130426141700);

s. Funderburk and Blair committed on or about May 1, 2013, the felony crime of Sell or Deliver Marijuana, G.S. 90-95 (KBCOPS Report #20130501184205);

t. Horton, Hearn and Caldwell committed on or about May 6, 2013, the felony crime of Breaking and Entering into a Motor Vehicle, G.S. 14-56 (KBCOPS Report #20130506105702);

u. Harris, Newton and Jaquez Walker committed on or about May 19, 2013, the felony crime of Breaking or Entering a Motor Vehicle, G.S. 14-56 (KBCOPS Report #20130519010102);

v. Reed and Funderburk committed on or about June 4, 2013, the felony crime of Sell or Deliver Cocaine, G.S. 90-95 (KBCOPS Report #20130604151101);

w. Jaquez Walker, a deceased Tier 3 HVK gang member, committed on or about June 18, 2013, the felony crime of Armed Robbery, G.S. 14-87 (KBCOPS Report #20130618134304);

x. Jaquez Walker committed on or about June 18, 2013, the felony crime of Assault with a Deadly Weapon with Intent to Kill, G.S. 14-32 (KBCOPS Report # 20130618185701); and,

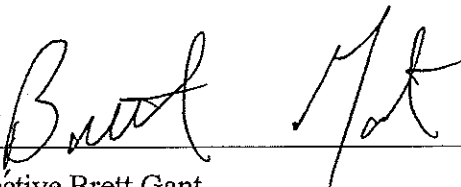
y. McCain committed on or about July 23, 2013, the felony crime of Sell or Deliver Marijuana, G.S. 90-95 (KBCOPS Report #20130723122405).

47. Based on my training, experience and the information contained in this affidavit, it is my opinion that HVK is a criminal street gang as defined in N.C. Gen Stat. 14-50.16(b). I believe that HVK is an ongoing organization, association, or group consisting of three or more persons and that one of HVK's primary activities is the commission of felony offenses. HVK uses a common name or names such as the Hidden Valley Kings, HVK, ICEB Money or the

North Side Valley Boys. HVK has common identifying signs and symbols used to represent the gang. HVK members either individually or together with other members or associates regularly engage in, or associate with each other to regularly engage in criminal street gang activity.


48. It is my opinion that HVK is a public nuisance and that the criminal street gang activities the gang and its members regularly engage in are a threat to the safety and security of the citizens who live and work in and around the Hidden Valley neighborhood and the Charlotte area.

Respectfully submitted this 12th day of August, 2013.



CMPD Detective Brett Gant

Sworn to and subscribed before me this 12th day of August, 2013.













Notary Public

My commission expires: 11-10-2017












Hidden Valley
Public Safety Injunction




Tier 1

Wendell McCain "Face" 	Kevin Funderburk "Kevo" 	Reginald Carter "Juke" 	Brandon Clark "B-Lo" 	Cordell Blair "Big Homey" 	Terrence Cunningham "T-Bone" 	Antonio Covington "XL" 	Meredith Cunningham "UJ Mert" 	Randy Hodge "Bo" 	Cedrick Ratliff Wendell's Cousin 
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Tier 2

Cameron Hearn "Cam" 	Drequez Caldwell "Dre" 	Jashari Billups "J-Shari" 	Arthur Taylor 	Magi Horton "Magi" 	Rashard Hodge "TJ" 	James Ratliff "Lil James" 	Oshane Walker 	Jarvis Reed "Hani" 
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Tier 3

Jaquaz Walker "Jae" 	Jamal Lattimore "Mai" 	Dontavius Newton "O-Dog" 	Ernest Cash "Lil-E" No PID	Shari Harris "Shari" No PID
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