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## Target in fatal North Oakland shooting had been named in gang injunction

By Sean Maher

OAKLAND -- Gang members aren't just dangerous because they are violent, they're dangerous because they attract violence, proponents of Oakland gang injunctions argue. If those gang members are subject to curfew, they would be kept off certain streets where they may act as "bullet magnets," drawing gunfire by luring their enemies.

That theory was in play in an Oct. 15 shooting in the 5200 block of West Street, near Children's Hospital Oakland. Multiple shooters in passing vehicles fired on three men standing together, striking all three, one of whom died of his wounds Monday, and killing an uninvolved woman who happened to be nearby, officials said.

One of the three targeted men was Eric Tullis, 20, who was among 15 men declared gang members in civil court in June, police said. Tullis had successfully evaded being served with his injunction, Oakland City Attorney John Russo said.

Tullis was treated for his injuries at a nearby hospital and released after the shooting. Later, he was arrested in Hayward, in possession of an illegal firearm, stolen property and \$3,000 in cash, Russo said, and remained in jail Wednesday on \$55,000 bail. He has now been served with his injunction and is therefore subject to curfew if he is released.

"People keep asking, why are you doing this?" Russo said, addressing some of the controversy surrounding the injunction, and a second, larger one he's proposed for the Fruitvale area. "If Eric Tullis had not been on the street that night, that woman would not be dead today. It's a life-and-death issue. If he's not on the street as a target, she doesn't get shot."

Oakland police could not give any details on the shooting investigation except to confirm that it was gang-related, as Russo said.

The proposed Fruitvale injunction is targeting 40 adults -- two named in early documents have been dismissed from the case -- who Russo says are members of a street gang. First announced in October, the injunction is scheduled to be decided in court in February.

In the meantime, law firm Siegel & Yee is representing one of the 40 defendants, and several of its attorneys are participating in public protest against the injunctions.

In a recent street outreach effort, which organizers said was aimed at informing the public of the injunctions' potential dangers, one of those attorneys, Jose Luis Fuentes, stood outside Fremont High School and spoke to students through a bullhorn, saying, "This gang injunction is a way for police to put all of you in jail, because of the way you look, the way you dress, because of who you hang out with or where you live. That's not fair, we have to stop this. We have to go to court and tell the judge we're not letting this happen."

Russo said Fuentes' actions were irresponsible, self-glorifying and cruel.

"It's unforgivable to make young people frightened if there's no reality to it," Russo said. "He knows damn well the injunction only names individual adults."

Russo will have to provide "clear and convincing" evidence that each person named in the suit is a gang member, a burden of proof he says falls roughly between the strict standards for criminal cases and the relatively softer standards for most civil lawsuits.

Michael Siegel, another attorney with Siegel & Yee, said one of his next moves will be to ask that the court to waive the filing fees -- which run almost \$1,000 per defendant -- required from people who wish to appear and defend themselves.

Alex Katz, a spokesman for Russo's office, said the city attorney would not oppose that waiver.

However, Russo's attorneys filed a motion this week to have Siegel & Yee dismissed as counsel, arguing that the firm has two conflicts of interest: Oakland City Council President Jane Brunner is an attorney employed by the firm, and partner Dan Siegel is a member of Oakland Mayor-elect Jean Quan's transition team.

Siegel said Wednesday that he's honored to be a part of the team that will "help Mayor Quan figure out what to do when she becomes mayor," but that he has taken no active role yet. And as long as he does not take a job actively working for the city, he argued, there shouldn't be a conflict.

Further, he said, the firm has taken care to shield Brunner from conversations about the case, and she is doing no work on it.

Russo countered that as a member of the City Council, Brunner has control over the city attorney's budget, among other potential conflicts.

A judge is scheduled to weigh in on the conflict issue Jan. 7.