

Attorneys: Ogden has resolved suit over defunct gang rules

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SALT LAKE CITY — Two men have settled their lawsuit alleging that authorities in Ogden falsely labeled them gang members under a now-defunct law.

Leland McCubbin and Daniel Lucero sued Weber County and Ogden in federal court in 2015, saying the law violated their First Amendment rights.

The American Civil Liberties Union of Utah said Wednesday the men and the city of Ogden have agreed to terms that "resolve all issues," including possible appeals, but gave no specifics. The Weber County case still is pending.

U.S. District Judge Clark Waddoups in August declined to toss the suit, finding that authorities said they want to reinstate the rule and the suit may be the only thing preventing that.

The 2010 gang injunction made it illegal for Ogden Trece gang members to meet publicly and carry guns or graffiti tools. It set an 11 p.m. curfew in a 25-square-mile area.

Two misdemeanor convictions against McCubbin were lifted in 2015. Lucero said he was never in the gang, but police were convinced he was a member and he was convicted of violating the injunction.

Weber County Attorney Chris Allred has said the rules helped police combat graffiti and gang crime.

In August 2012, a 2nd District judge decided the rules were necessary to address gang activity, but the Utah Supreme Court overturned it the following year, ruling on a technicality and not on whether the police powers were unconstitutional.

— Annie Knox