they were challenging them to fight. I realized then, hey, this is for real, and they are challenging somebody." Since their behavior was "aggressive," Baker could tell that they were not "fooling around." Cesar and Antonio "changed directions" and "were moving towards the street." Cesar and Antonio put their hands up in the air while taking "a few steps towards the cars like, hey, let's go," a gesture that Baker "took as a challenge." They "held their arms up in an inviting manner," which was "like, hey, it's on, you're open to somebody approaching you."

Baker was concerned that violence would develop, so he "did a U-turn in traffic," drove up behind Cesar and Antonio, activated his lights, called for backup, and told Cesar and Antonio to "wait right there." Antonio told Baker that he had "been using hand signals to display a gang slogan . . . towards a car." He told Baker that "one of the occupants in the rear seat [of the Cadillac] had actually thrown him a four, meaning Norteño sign," which would identify that person as a Norteño gang member. Antonio told Baker that he had made signs for *P*, *S*, and *C* to signify the Poor Side Chicos, a Watsonville Sureño gang. The Poor Side Chicos gang consists of the "younger members" of the Poor Side Gang. Poor Side Chicos, like other Sureño gangs, associate with the color blue and the number thirteen. Poor Side Chicos members "hate" Norteños.

Antonio asserted that he "took it [the occupant's alleged sign] as being a challenge, a form of disrespect." He said he was "not really afraid because . . . there was a girl in the car." Antonio told Baker that he thought a fight was unlikely to occur because "typically there won't be a gang fight when the girl was present."

Antonio acknowledged that he was aware that his conduct had occurred in an area "where Norteños and Sureños would actually cross paths and it would be not good." Antonio also admitted that the blue "swoosh" on the Nike shoes he was wearing was intended to "signify" his Sureño affiliation.

Cesar maintained that he "was just holding his ground and not trying to challenge the occupants" of the Cadillac.

The prosecution's gang expert testified that a gesture of putting one's hands up in the air would be seen as "challenging the other person." He also opined that the "common response" to someone making a gang sign is violence. The expert testified that there was "no other reason" for a person to make a gang sign besides "challenging them to fight." The presence of a girl would not eliminate the risk of violence in such a situation. The gang expert testified that the Poor Side Chicos gang would benefit from a challenge such as that made by Cesar and Antonio because "[i]t would further the violent reputation" of the gang "within the community."

California Penal Code Section 415, Subdivision (1) provides that "[a]ny person who unlawfully fights in a public place or challenges another person in a public place to fight" commits a misdemeanor. Antonio and Cesar assert that their conduct was not a "challenge . . . to fight" because they were merely responding to a gang sign displayed by an occupant of a white Cadillac. Are they guilty of a challenge to fight? See *In re Cesar,* 192 Cal. App. 4th 989 (2011).

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