Filed 1/27/15 P. v. Coronel CA2/1

NOT TO BE PUBLISHED IN THE OFFICIAL REPORTS

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

THE PEOPLE, Plaintiff and Respondent, v. STEVEN CORONEL, Defendant and Appellant.	B247356 (Los Angeles County Super. Ct. No. BA381243)

APPEAL from a judgment of the Superior Court of Los Angeles County. Kathleen Kennedy, Judge. Affirmed.

_____

William Pitman for Defendant and Appellant.

Kamala D. Harris, Attorney General, Dane R. Gillette, Chief Assistant Attorney General, Lance E. Winters, Assistant Attorney General, William H. Shin, Joseph P. Lee and Yun K. Lee, Deputy Attorneys General, for Plaintiff and Respondent.

_____

A jury convicted Steven Coronel on two counts of attempted murder, possession of illegal drugs, and related charges. On appeal, Coronel argues that evidence recovered in a search of his car should have been suppressed, the evidence against him was insufficient in various respects, and various other errors rendered his trial unfair. We disagree and affirm.

BACKGROUND

The information charged Coronel with two counts of attempted murder under Penal Code sections 187 and 664[1] (counts 1 and 2), one count of shooting at an occupied motor vehicle under section 246 (count 3), and one count of possession for sale of a controlled substance (cocaine) under Health and Safety Code section 11351 (count 5). The information also charged codefendant Juan Aguilar with one count of second degree robbery under section 211 (count 4) and the same count of possession for sale of a controlled substance that was alleged against Coronel (count 5). The information further alleged as to counts 1 through 3 that Coronel personally used and personally and intentionally discharged a handgun within the meaning of section 12022.53, subdivisions (b) and (c), making the offenses serious felonies within the meaning of section 1192.7, subdivision (c)(8), and violent felonies within the meaning of section 667.5, subdivision (c)(8). It also alleged as to all counts that the crimes were committed for the benefit of, at the direction of, and in association with a criminal street gang with the specific intent to promote, further, and assist in criminal conduct by gang members, within the meaning of section 186.22, subdivision (b)(1)(C). Finally, as to count 5, the information alleged that both defendants were armed with a firearm within the meaning of section 12022, subdivision (c), and that the controlled substance exceeded one kilo by weight within the meaning of Health and Safety Code section 11370.4, subdivision (a)(1).

Coronel pleaded not guilty and denied the allegations. He moved to suppress evidence and also moved to sever, but the superior court denied both motions. The

---

[1] All subsequent statutory references are to the Penal Code unless otherwise indicated.

charges were tried to a jury. During trial, the court dismissed count 5 as to codefendant Aguilar, leaving Coronel as the sole defendant on that count. The jury found Coronel guilty as charged on all counts and found all of the special allegations true. The jury acquitted Aguilar on the sole charge against him.

The court sentenced Coronel to 15 years to life plus 24 years and four months in state prison, calculated as follows: 15 years to life on count 1, plus 20 years for the firearm enhancement; plus an identical, concurrent sentence on count 2; plus one year (one-third of the mid-term) on count 5, plus one year and four months (one-third of the mid-term) for the firearm enhancement, plus one year (one-third of the mid-term) for the one-kilo weight enhancement, plus one year (one-third of the mid-term) for the gang enhancement. The court also sentenced Coronel to 100 months as to count 3 but stayed the sentence pursuant to section 654. The court ordered restitution, imposed various statutory fines and fees, ordered Coronel to provide DNA samples, and credited him with 859 days of presentence custody (748 actual days and 111 days good time/work time). Coronel timely appealed.

The evidence introduced at trial showed the following facts: At approximately 4:15 p.m. on February 16, 2011, Alex Celis was driving his Chrysler SUV with his two-year-old daughter in the back seat on the passenger side. He noticed a black Audi tailgating him, and he recognized the car as belonging to a member of Bud Smokers Only (BSO), a tagging crew that was affiliated with the Laguna Park Vikings (LPV) street gang. Celis has nephews who are members of the Vicky's Town street gang, which is a rival of BSO.

When Celis saw that he was being followed by the black Audi, he attempted to evade it. The Audi pursued him, entering the oncoming traffic lanes to pull up next to the driver's side of Celis's SUV. Celis saw that the driver of the Audi was pointing a handgun at him. The driver of the Audi fired multiple shots at Celis's car, hitting it several times. Neither Celis nor his daughter was hit.

Several hours later, Los Angeles County Sheriff's deputies pulled over a black Audi at the junction of the 5 freeway and the 10 freeway. Coronel was driving the Audi

when it was pulled over, and Aguilar was the sole passenger. Deputy Gina Eguia then brought Celis to the scene to conduct a field show-up. Celis identified the black Audi as the car that had followed him, and he identified Coronel as the shooter. Deputy David Duran (who had originally spotted the black Audi and requested assistance before pulling it over) then arrested Coronel for attempted murder. Coronel admitted that he was the owner of the car and stated that no one else drives it.

Duran searched the Audi. In a hidden compartment behind the glove compartment, Duran found more than one kilo of cocaine, a digital scale, a .40 caliber Glock handgun loaded with 14 rounds, and a box containing additional ammunition.

Additional facts will be stated as necessary in our discussion of the issues raised on appeal.

DISCUSSION

I. The Search of the Audi

Before trial, Coronel unsuccessfully moved to suppress the drugs, firearm, and ammunition discovered through the warrantless search of the Audi. On appeal, Coronel argues that the superior court prejudicially erred by denying his motion. We disagree.

"In ruling on a motion to suppress, the trial court must find the historical facts, select the rule of law, and apply it to the facts in order to determine whether the law as applied has been violated. (*People v. Ayala* (2000) 24 Cal.4th 243, 279 [99 Cal.Rptr.2d 532, 6 P.3d 193].) We review the court's resolution of the factual inquiry under the deferential substantial evidence standard. The ruling on whether the applicable law applies to the facts is a mixed question of law and fact that is subject to independent review. (*Ibid.*)" (*People v. Ramos* (2004) 34 Cal.4th 494, 505.) "In evaluating whether the fruits of a search or seizure should have been suppressed, we consider only the Fourth Amendment's prohibition on unreasonable searches and seizures." (*People v. Brendlin* (2008) 45 Cal.4th 262, 268.) We defer to the trial court's evaluation of witness credibility and resolution of conflicts in the testimony. (*People v. James* (1977) 19 Cal.3d 99, 107.)

Coronel's challenge to the denial of his motion to suppress is based entirely on his factual claim that Duran searched the Audi before Celis identified Coronel in the field show-up and Coronel was arrested. Duran testified, however, that he searched the Audi after arresting Coronel on the basis of the field show-up. But Coronel argues that other evidence in the record "discredits Duran's trial testimony and undermines the State's proposed sequence of events at the detention site."

Coronel's argument is based on the following evidence: Eguia (who brought Celis to the detention site to conduct the field show-up) was also part of the large team of deputies ("over 25 deputies") who originally conducted the detention; Eguia then left the detention site to pick up Celis and bring him back for the field show-up. At trial, Eguia was asked, "And did you see Officer Duran enter the black Audi?" She answered, "Yes, I did." From the context in which the question was asked, it is possible to infer that she meant she saw Duran enter the Audi *before* she left to pick up Celis for the field show-up.

The respondent's brief points out that Duran testified at trial that, after pulling over the Audi and detaining its occupants, he drove the Audi off the freeway in order to move the detention to a safer location. On that basis, the respondent's brief argues that when Eguia said she saw Duran enter the Audi, she must have been referring to his entry *to drive the car off the freeway* (before the field show-up and arrest), rather than his entry *to search the car* (after the field show-up and arrest). Coronel counters that "Duran twice testified at the [suppression] hearing that he *did not* drive the Audi off the freeway."

The record does not support Coronel's argument. Duran did not testify at the suppression hearing that he did not drive the Audi off the freeway. Rather, he testified that he did not remember who drove it off the freeway. At trial, however, Duran's memory was apparently refreshed, and he unequivocally testified that he drove the Audi off the freeway. As already noted, we must defer to the trial court's credibility determinations. We conclude that Coronel has not provided a basis for us to reject

Duran's testimony that he searched the Audi after arresting Coronel. We accordingly must reject Coronel's argument and affirm the denial of the motion to suppress.[2]

2. Evidence Supporting the Kill Zone Theory of Attempted Murder

The prosecution attempted to prove count 2, the attempted murder of Celis's two-year-old daughter, on a kill zone theory, contending that Coronel tried to kill Celis by killing everyone in the car, so the presence of Celis's daughter in the car makes her an attempted murder victim. Coronel argues that the evidence is insufficient to support his conviction on count 2 because the record does not contain substantial evidence that he saw that Celis's daughter was in the car. Respondent argues that Celis's awareness or lack of awareness of the presence of Celis's daughter is irrelevant—Coronel turned the car into a kill zone, and Celis's daughter was in that kill zone, so Coronel is guilty of attempting to murder her. We agree with respondent.

Specific intent to kill is an element of attempted murder, and the doctrine of transferred intent does not apply to attempted murder. (*People v. Smith* (2005) 37 Cal.4th 733, 739 (*Smith*) ["'[a]ttempted murder requires the specific intent to kill'"]; *People v. Perez* (2010) 50 Cal.4th 222, 232 (*Perez*) ["intent to kill does not transfer to victims who are not killed, and thus 'transferred intent' cannot serve as a basis for a finding of attempted murder"]; cf. *People v. Scott* (1996) 14 Cal.4th 544, 546 [describing the doctrine of transferred intent].) Thus, "[s]omeone who in truth does not intend to kill a person is not guilty of that person's attempted murder even if the crime would have been murder—due to transferred intent—if the person were killed. To be guilty of attempted murder, the defendant must intend to kill the alleged victim, not someone else. The defendant's mental state must be examined as to each alleged attempted murder victim. Someone who intends to kill only one person and attempts unsuccessfully to do so, is

---

[2] Coronel also argues that his trial counsel rendered ineffective assistance by failing to call Eguia as a witness at the suppression hearing. We disagree. Duran testified at the suppression hearing that he searched Coronel's car after arresting Coronel on the basis of the field show-up. The record before us contains no evidence that defense counsel had any reason to suspect that Eguia would provide any evidence to the contrary.

guilty of the attempted murder of the intended victim, but not of others." (*People v. Bland* (2002) 28 Cal.4th 313, 328 (*Bland*).)

In *Bland*, however, the Supreme Court approved the kill zone theory, which yields a way in which a defendant can be guilty of the attempted murder of victims who were not the defendant's "primary target." (*Bland*, *supra*, 28 Cal.4th at p. 330.) Under *Bland*, "a shooter may be convicted of multiple counts of attempted murder on a 'kill zone' theory where the evidence establishes that the shooter used lethal force designed and intended to kill everyone in an area around the targeted victim (i.e., the 'kill zone') as the means of accomplishing the killing of that victim. Under such circumstances, a rational jury could conclude beyond a reasonable doubt that the shooter intended to kill not only his targeted victim, but also all others he knew were in the zone of fatal harm." (*Smith*, *supra*, 37 Cal.4th at pp. 745–746.) Examples include "using an explosive device with intent to kill everyone in the area of the blast, or spraying a crowd with automatic weapon fire, a means likewise calculated to kill everyone fired upon." (*Perez*, *supra*, 50 Cal.4th at p. 232.)

The record contains evidence from which the jury could reasonably infer that Coronel fired at least eight shots at Celis's car. (Eight shell casings were recovered from the scene of the shooting, and two bullet fragments were found inside Celis's car. A ballistics expert testified that the shell casings were fired from the handgun that was found in Coronel's Audi.) On that basis, the jury could also reasonably infer that Coronel intended to kill Celis by turning Celis's car into a kill zone, specifically intending that everyone in the car would be killed by the attack. The evidence showed that Celis's daughter was in the car, so the jury could reasonably infer that Coronel specifically intended to kill her, along with anyone else who might have been present.

Coronel's argument to the contrary is based on the Supreme Court's statement in *Smith* that in a kill zone case, "a rational jury could conclude beyond a reasonable doubt that the shooter intended to kill not only his targeted victim, but also all others *he knew* were in the zone of fatal harm." (*Smith*, *supra*, 37 Cal.4th at pp. 745–746, italics added.) Coronel infers that a defendant cannot be guilty of the attempted murder of a particular

victim on a kill zone theory unless the defendant knew that the victim was present in the kill zone at the time of the attack. We are not persuaded. Although the defendant who intends to kill a primary target by creating a kill zone around that target is guilty of the attempted murder of anyone else the defendant knows is present in the kill zone, the Supreme Court has never held that knowledge of the presence of each additional victim is a *requirement* for attempted murder liability. On the contrary, the Supreme Court has indicated that the kill zone theory applies if "'an assailant who places a bomb on a commercial airplane intending to harm a primary target on board ensures by this method of attack that all passengers will be killed.'" (*Bland, supra*, 28 Cal.4th at pp. 329-330, quoting *Ford v. State* (1992) 330 Md. 682 [625 A.2d 894, 1000-1001].) But ordinarily an assailant will not know exactly how many passengers are on board a commercial airplane. We conclude that the Supreme Court case law does not support Coronel's position that a defendant can be liable on a kill zone theory for the attempted murder of only the victims who were known by the defendant to be present in the kill zone.

Coronel also cites *People v. Chinchilla* (1997) 52 Cal.App.4th 683 as support for his argument. But *Chinchilla* was not a kill zone case, and its reasoning imposes no constraints on application of the kill zone theory here.

For all of the foregoing reasons, we conclude that substantial evidence supports Coronel's conviction for the attempted murder of Celis's daughter.

3. Kill Zone Instruction

The superior court gave the jury CALCRIM No. 600 concerning the kill zone theory. Coronel contends that the argument misled the jury and diluted the prosecution's burden of proof on the element of intent. But Coronel does not identify any way in which the language of the instruction is erroneous or misleading. Insofar as Coronel is arguing that the instruction is misleading because it did not require the jury to find that Coronel knew that Celis's daughter was present in the car, we have already concluded as a matter of law that no such requirement exists. For all of these reasons, we reject Coronel's challenge to the kill zone instruction.

4. Gang Enhancement Evidence

When discussing the jury instructions, the prosecution and the superior court agreed that the record contained insufficient evidence that BSO on its own qualified as a criminal street gang within the meaning of the gang enhancement statute. But the court allowed the prosecution to proceed on the theory that BSO had merged into LPV, that there was sufficient evidence that LPV qualified as a criminal street gang, and that there was likewise sufficient evidence to support a true finding on the gang enhancement with respect to LPV, of which BSO was a "sub-clique" after the merger.

On appeal, Coronel argues that the evidence was insufficient to show that BSO had merged into LPV for purposes of the gang enhancement. His argument focuses on the testimony of the prosecution's gang expert, Eguia, who said that her opinion that BSO and LPV had merged was based in part on gang graffiti showing the letters "LPV" and "BSO" in close proximity. Coronel cites case law for the proposition that the evidence must show "some sort of collaborative activities" or "collective organizational structure" (*People v. Williams* (2008) 167 Cal.App.4th 983, 988) before BSO and LPV can be treated as a single entity for purposes of the gang enhancement, and he argues that the graffiti is too equivocal to make that showing. We are not persuaded.

Eguia testified that, in her expert opinion, in 2010 "there was a merger" between BSO and LPV and that BSO and LPV had "cliqued up." When asked to explain her use of the term "clique," she gave the following answer: "A lot of times what you will see with some gangs in the Los Angeles area it's such a large area and there are thousands of gangs in all the area and especially in east Los Angeles. A lot of the gangs their borders kind of intermingle. So a lot of times what we'll see is either they're their rivals, which means they're feuding constantly or if they intermingle they're join forces, they're clique[d] up. [¶] And we use that term to show that they have they both agree that they are acting as one. They probably still claim two different names like one gang A and gang B, but we know that they are friendly." She also described BSO as the "junior varsity" and LPV as "the varsity crew." When asked "what constitutes a junior varsity group or gang," she gave the following answer: "That they are junior, when I say junior

varsity the younger crew, the small crew, the younger is probably the main thing. But it could be that they are not at that level yet because they haven't committed the serious crimes such as shootings or assaults with deadly weapons or weapons possessions. So that they are kind of being trained." She also testified that her opinion that BSO and LPV had merged or "cliqued up" was based on both the BSO/LPV graffiti and on conversations with gang members and other individuals in the community.

A jury could reasonably infer from Eguia's testimony that BSO and LPV had agreed to act as one and that, as a result, BSO members such as Coronel were beginning to commit more serious crimes for the benefit of or in association with LPV in order to move up to the "varsity crew." Coronel's argument that the gang enhancement was not supported by substantial evidence (because of the purportedly insufficient evidence of a merger between BSO and LPV) therefore lacks merit.

5. Gang Enhancement Instruction

Coronel argues that the jury instruction on the gang enhancement was erroneous in two respects, each of which he claims was prejudicial. We are not persuaded.

The superior court gave the jury CALCRIM No. 1401 concerning the gang enhancement. The pattern instruction explains the elements of the enhancement, including the definition of "criminal street gang," and Coronel does not contend that the pattern instruction itself is erroneous in any respect. But the trial court added to the pattern instruction a paragraph the court drafted in consultation with counsel for all parties, stating the following: "To find this enhancement true, you must be convinced beyond a reasonable doubt that BSO was a sub-clique of the Laguna Park Vikings on the date the crimes charged herein were committed." The court was apparently motivated by concern that the evidence was insufficient to show that BSO was "a criminal street gang by itself" but that the enhancement allegation could still be true if BSO were "considered a sub-sect of Laguna Park Vikings."

We conclude that the instruction was erroneous because it added an unnecessary element to the enhancement. The instruction prohibited the jury from finding the gang allegation true unless the jury found that BSO was a "sub-clique" of LPV. But even if

BSO was not a "sub-clique" of LPV, or BSO and LPV had not merged, the jury could have reasonably inferred that the relationship between Coronel, BSO, and LPV was such that Coronel committed the charged crimes in association with or for the benefit of LPV and with the specific intent to promote, further, or assist criminal conduct by gang members (namely, LPV members). The instruction requiring a finding that BSO was a "sub-clique" of LPV was therefore incorrect.

The error was harmless, however, because it erroneously *increased* the prosecution's burden of proof—the instruction required the prosecution to prove beyond a reasonable doubt that BSO was a "sub-clique" of LPV, but the prosecution should not have been required to carry that burden. The instruction still required the prosecution to prove all of the (correct) elements of the enhancement beyond a reasonable doubt. We accordingly conclude that the error was not prejudicial.

Coronel's second argument is that the superior court had a sua sponte duty to instruct the jury on the meaning of the phrase "in association with" a criminal street gang. The only authority Coronel cites is the concurring and dissenting opinion of Justice Werdegar in *People v. Albillar* (2010) 51 Cal.4th 47. We reject the argument not only because Justice Werdegar's opinion is not authoritative but also because it does not state that trial courts have a sua sponte duty to instruct on the meaning of "in association with." (See *id.* at pp. 72-73 (conc. & dis. opn. of Werdegar, J.).)

6. Confrontation Rights

Coronel argues that the admission of Eguia's expert testimony concerning gangs violated his Sixth Amendment right of confrontation because Eguia's testimony was extensively based on testimonial hearsay. We disagree.

Coronel argues that the out-of-court statements on which Eguia based her expert opinions were testimonial—if they were not, then Coronel's confrontation rights would not be implicated. (See *People v. Lopez* (2012) 55 Cal.4th 569, 576.) But the only authority Coronel cites in support of his argument that the statements were testimonial is *Crawford v. Washington* (2004) 541 U.S. 36, rather than the California Supreme Court's more recent decisions synthesizing United States Supreme Court case law on the meaning

of the term "testimonial." Those decisions explain that "a statement is testimonial when two critical components are present." (*Lopez*, *supra*, 55 Cal.4th at p. 581.) "First, to be testimonial the out-of-court statement must have been made with some degree of formality or solemnity." (*Ibid.*) "Second, . . . an out-of-court statement is testimonial only if its primary purpose pertains in some fashion to a criminal prosecution." (*Id.* at p. 582.) Coronel does not argue that the out-of-court statements on which Eguia relied meet that standard, and they do not. They were generally statements made in conversations with informants, gang members, members of the community, and other law enforcement personnel, so they were not made with the requisite solemnity and formality. Accordingly, they were not testimonial under *Lopez*, so the admission of Eguia's testimony based on those statements did not violate Coronel's confrontation rights.

7. *Aranda/Bruton* Error and Prosecutorial Misconduct

Coronel argues that the admission of testimony of Eguia concerning certain statements by codefendant Aguilar violated Coronel's right to a fair trial under *Bruton v. United States* (1968) 391 U.S. 123 and *People v. Aranda* (1965) 63 Cal.2d 518, and that the prosecutor committed misconduct by eliciting that testimony. We disagree.

At a pretrial hearing, defense counsel argued that the prosecution should be prohibited from introducing Aguilar's out-of-court statement that Coronel was a member of BSO, with the moniker "Baby." In response, the prosecutor agreed to instruct his expert (Eguia) "not to rely on that and not to articulate that statement to the jury" and assured the court that, even without any statements from Aguilar, the expert had a sufficient basis to opine on Coronel's membership in BSO. Partly on the basis of those assurances, the court went on to deny Coronel's motion to sever, observing that there was "[n]o *Aranda-Bruton* issue."

At trial, however, Eguia twice referred explicitly to out-of-court statements by Aguilar. First, after Eguia testified that Coronel was a member of "Laguna Vikings BSO clique" with the moniker "Baby," the prosecutor asked her for the basis of her opinion, and she initially responded, "Based on the fact during my interview with Mr. Aguilar," at which point she was interrupted by a defense objection, which was sustained. The

prosecutor again asked for the basis of her opinion, and she gave the following answer: "I base that opinion on information that I've learned through conversations with individuals that he uses the moniker Baby. I base that opinion on a previous detention in Huntington Park where he self admitted to an officer . . . as being Baby from BSO." The defense objected to the testimony concerning the self-admission, but that objection was overruled; Coronel does not challenge that ruling on appeal.

Second, during cross-examination Coronel's counsel asked Eguia what evidence other than graffiti formed the basis for her opinion that there was a merger between BSO and LPV. Eguia initially responded, "Other gang members." Coronel's counsel then asked, "Who are the gang members?" Eguia answered, "Mr. Aguilar told me through the interview that there was a merger." Counsel objected and moved to strike, but the court overruled the objection, stating, "He asked the question."

We conclude that neither incident provides a basis for reversal. In the first incident, the successful defense objection prevented Eguia from finishing her answer. Consequently, no evidence was admitted in violation of *Aranda*/*Bruton*. And any error in the second incident was invited by Coronel's counsel, who asked the question that elicited the reference to Aguilar's out-of-court statement concerning the merger. (See *Mary M. v. City of Los Angeles* (1991) 54 Cal.3d 202, 212.)

We likewise conclude that the record does not support a claim of prosecutorial misconduct. In the first incident, the prosecutor merely asked Eguia for the basis for her opinion, which included Coronel's self-admission. Nothing in the record indicates that the prosecutor was trying to elicit inadmissible out-of-court statements by Aguilar, and none was admitted. In the second incident, Aguilar's out-of-court statement was elicited by Coronel's counsel, not by the prosecutor. In neither instance did the prosecutor's actions constitute misconduct under federal or state law. (See *People v. Morales* (2001) 25 Cal.4th 34, 44.)

8. Severance

Before trial, Coronel moved on various grounds to sever his trial from codefendant Aguilar's. The superior court denied the motion. Coronel argues that the court thereby

prejudicially abused its discretion. We disagree. "A trial court's denial of a severance motion is reviewed 'for abuse of discretion based on the facts as they appeared at the time the court ruled on the motion.' [Citation.] A trial court's erroneous refusal to sever a defendant's trial from a codefendant's requires reversal if the defendant shows, to a reasonable probability, that separate trials would have produced a more favorable result [citations], or if joinder was so grossly unfair that it deprived the defendant of a fair trial [citations]." (*People v. Tafoya* (2007) 42 Cal.4th 147, 162.)

First, Coronel argues that "the joinder in this case was improper on its face because there was no common count charged against both codefendants." We disagree. Count 5 of the information was charged against both defendants. That charge was dismissed as to Aguilar during trial, but at the time of Coronel's motion to sever it was a proper basis for joinder.

Second, Coronel argues that the evidence of the robbery charge against Aguilar "was unduly prejudicial" and "highly inflammatory" as to Coronel. We are not persuaded. Coronel concedes that Aguilar was not accused of having fired a gun in the alleged robbery, whereas Coronel fired multiple shots at Celis's vehicle and was charged with attempted murder. The charges against Coronel were consequently much more serious than the sole charge against Aguilar. In addition, Coronel concedes that the jury acquitted Aguilar but convicted Coronel, which strongly tends to show that Coronel's convictions were not the result of guilt by association or were otherwise the product of undue prejudice resulting from joinder. We conclude that Coronel has failed to show that it is reasonably probable that he would have obtained a more favorable result without the joinder or that the joinder deprived him of a fair trial.[3]

---

[3] Finally, Coronel argues that the cumulative effect of the errors identified in his arguments was to deprive him of due process and his right to a fair trial. Because we have rejected Coronel's individual claims of error, we must reject this argument as well.

DISPOSITION

The judgment is affirmed.

NOT TO BE PUBLISHED.

ROTHSCHILD, P. J.

We concur:

CHANEY, J.

JOHNSON, J.