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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION ONE

THE PEOPLE,

Plaintiff and Respondent,

v.

ADEL TABRIZI CHAPEL,

Defendant and Appellant.

B231573

(Los Angeles County
Super. Ct. No. SA070539)

APPEAL from a judgment of the Superior Court of Los Angeles County, Antonio Barreto, Jr., Judge. Affirmed.

Marta I. Stanton, under appointment by the Court of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

An information filed October 22, 2009 charged Adel Tabrizi Chapel with five felony counts: carjacking in violation of Penal Code¹ section 215, subdivision (a) (count 1); assault with a deadly weapon in violation of section 245, subdivision (a)(1) (count 2); kidnapping for carjacking in violation of section 209.5, subdivision (a) (count 3); criminal threats in violation of section 422 (count 4); and dissuading a witness by force or threat in violation of section 136.1, subdivision (c)(1) (count 5). The information alleged that Chapel personally used a deadly weapon (a hammer) pursuant to section 12022, subdivision (b)(2), and had suffered a prior conviction of a serious felony (armed robbery) pursuant to sections 1170.12, subdivision (a) through (d), 667, subdivisions (b) through (i), and 667, subdivision (a)(1).

Chapel waived his right to counsel and chose to represent himself, pleading not guilty on all counts and denying all allegations. Chapel filed a motion to suppress, a motion to dismiss alleging *Brady*² violations, and three motions for the appointment of various experts. At Chapel's request, the motion to suppress was called off calendar. The court granted two of the motions to appoint experts and denied the third.

At trial, Adil Chaudhry testified that he grew up with Chapel in Granada Hills, living within two miles of him and attending the same summer program. On February 25, 2009, Chapel came to Chaudhry's home and asked for a ride to Chapel's mother's apartment in Santa Monica. Chaudhry agreed. At about 7:30 p.m., Chaudhry drove Chapel in a 1997 BMW with the license plate 4GUZ332 and once on the 405 freeway, Chapel told Chaudhry to exit at Santa Monica Boulevard. Chapel gave Chaudhry directions to the apartment and told him to pull into an alley, where he offered to give Chaudhry some cash. Chaudhry told him not to worry about it, but Chapel insisted and began to go through his backpack. Suddenly, Chapel said, "I'm taking your car," pulled out a hammer wrapped in a red cloth, and hit Chaudhry in the chest with the hammer, knocking the wind out of him. Chaudhry was so frightened that he wet his

¹ All further statutory references are to the Penal Code.

² *Brady v. Maryland* (1963) 373 U.S. 83 [83 S.Ct. 1194, 10 L.Ed.2d 215].

pants. He tried to jump out of the seat and open the door, and Chapel told him not to get out or Chapel would hurt him or stab him. Chaudhry was afraid for his life.

Chapel ordered Chaudhry to close the door and drive, giving directions as Chaudhry drove for about 20 to 30 minutes. Chaudhry asked Chapel to let him out and told him he could take the car, but Chapel told him to keep driving. Chapel then told Chaudhry to pull up in front of a gas station, told him to get out, and said, “Don’t call the police. I know where you live. I’ll come back for you,” and “I’m gonna hurt your family. I know where you guys live.” Chaudhry got out and walked away fast, and Chapel jumped from the passenger seat into the driver’s seat and drove away. Chaudhry called his brother, and his brother and his father picked him up and took him home.

Chaudhry was too scared to call police that night. His father called the police the next day. The police came to Chaudhry’s home and he described what had happened. Chaudhry’s brother Asad testified that he saw Chaudhry drive away with Chapel, and Chaudhry called Asad later, scared and frantic, to say that Chapel had taken the car. Asad and Chaudhry’s father drove to pick Chaudhry up at the gas station; Chaudhry said he thought he was going to die.

Chapel stipulated that he was the person identified in an Illinois judgment convicting “Adel Chapel” of armed robbery.³

In his defense, Chapel called Los Angeles Police Department (LAPD) Officer Ronald Behnke as his witness. Officer Behnke testified that Chaudhry had provided him with two telephone numbers for Chapel. One number belonged to Homa Tabrizi, also known as Homa Tabrizi Chapel, Chapel’s mother, at the address in Santa Monica where the police arrested Chapel. The other belonged to Christopher Bullock, at an address where the stolen car was recovered, at the cross streets of Radford and Magnolia in the San Fernando Valley. The car was released to Chaudhry on March 3, 2009, the same day it was recovered. LAPD Officer Lawrence Park testified that a surveillance team found the stolen car in the parking garage of an apartment complex. Chapel’s investigator,

³ In closing argument, Chapel admitted he was guilty of the Illinois robbery.

formerly a LAPD officer for 33 years, testified regarding the usual procedures police follow regarding a report of a stolen car. One of Chapel's theories was that LAPD had not followed procedures or adequately investigated, and had conspired with Chaudhry to manufacture evidence and police paperwork to make it look as if Chapel had committed the charged crimes.

In rebuttal, the prosecution called Christopher Bullock. Bullock testified that he knew Chapel very well and considered him family. On or about February 26, 2009, Chapel brought a 1997 black BMW to Bullock's home and told him it was borrowed from a friend. Bullock saw a hammer, probably in the trunk of the car, and Chapel had a backpack. Chapel asked if he could park the car there, and Bullock said he could. Bullock did not want to testify, but he was telling the truth.

After deliberating for approximately three and a half hours, the jury convicted Chapel on all counts and found the allegations true. Following extensive argument, the trial court denied Chapel's motion for a new trial. The court sentenced Chapel to 14 years to life plus five years in state prison on count 3 and to an eight-year concurrent sentence on count 5, staying the sentences on counts 1, 2, and 4 pursuant to section 654. The sentence was to run consecutively to Chapel's sentence of 56 years to life in Van Nuys case LA061451. Chapel appealed.

We appointed appellate counsel to represent Chapel. After examination of the record, counsel filed an opening brief raising no issues and asking this court to independently review the record. On October 24, 2011, we advised Chapel he had 30 days in which to personally submit any contentions or issues he wished us to consider. At Chapel's request, we subsequently extended the time to file to December 23, 2011, and later granted another extension to January 27, 2012. To date, we have received no supplemental brief.

Our examination of the entire record satisfies us that Chapel's appellate counsel has fully complied with her responsibilities, and that no arguable issues exist. (*People v. Kelly* (2006) 40 Cal.4th 106, 109–110; *People v. Wende* (1979) 25 Cal.3d 436, 441.)

DISPOSITION

The judgment is affirmed.

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JOHNSON, J.

We concur:

ROTHSCHILD, Acting P. J.

CHANEY, J.