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**THE TRIAL COURT ABUSED ITS DISCRETION BY ADMITTING FIVE RAP
MUSIC VIDEOS IN DEF.'S GANG-MURDER TRIAL; THE ERROR WAS
HARMLESS IN LIGHT OF THE STRONG EVIDENCE OF DEF.'S GUILT**

People v. Coneal—Filed Nov. 6, 2019, in A152529 (1 DCA, Div. 5) [[2019 WL 5782587](#); [2019 Cal.App.Lexis 1108](#)].

Facts: Def., a member of Menlo Park's Taliban criminal street gang, committed a retaliatory killing against a rival gang member. Evidence at trial included seven rap music videos produced by def. and his compatriots. Admission of five of those videos was contested on appeal.

Held: (1.) Def.'s sweeping argument that the "sheer volume" of gang evidence received at trial was prejudicial error fails because the argument was nonspecific and unsupported by authority. (2.) The rap videos were cumulative to other evidence and should not have been construed by the trial court as statements of fact or actual intent. Conversely, they described graphic violence and featured misogynistic lyrics that painted def. and other gangsters in a way that created "significant danger" that the jury would use them as negative character evidence. As such, the trial court abused its discretion under Evid. Code § 352 by admitting them. (3.) The evidentiary errors were harmless in light of the strong evidence of def.'s guilt.

[REDACTED]