Street Racing and Assault with Deadly Weapon (The Car) Conviction Upheld When Defendant Ran Red Light and Crashed

In the early evening hours of January 9, 2009, Aren Aznavoleh was driving a red Quest minivan eastbound on Glenoaks Boulevard in Glendale. Two witnesses at different locations observed his van going at about sixty miles per hour as it approached Estelle Avenue. Just in front of Aznavoleh was a white BMV, also going about sixty miles per hour. Both witnesses described the car and minivan as racing.

As the traffic light on Glenoaks at Concord Street, just past Estelle, turned red, the sports car kept going, zipping through the intersection.

Rafick Daroose was on Concord Street when the light for his car turned green. He entered the intersection and was broadsided by Aznavoleh's minivan. Both witnesses described Aznavoleh as running the red light. Daroose was seriously injured and is now unable to speak, eat or swallow. He is also unable to move the majority of his body.

Aznavoleh had two passengers who saw the light was red and yelled for Aznavoleh to stop. They also saw Daroose's vehicle in the intersection before the collision.

Aznavoleh was interviewed after the crash and admitted that he saw the light facing him was red and that he knew a collision was probable. Aznavoleh claimed his brakes did not work. He also acknowledged that he was previously cited for speeding on Glenoaks about two months prior.

Aznavoleh was charged with assault with a deadly weapon. At trial, an officer who was at the scene testified that he tested the minivan's brakes and found they were working.

Aznavoleh was convicted and then appealed, contending that the evidence was insufficient to support his conviction.

The Second Appellate District ruled on Aznavoleh's appeal (2012 DJDAR 15249). It began its analysis by noting that was assault with a deadly weapon requires proof of an intentional act committed with knowledge of facts that physical force would be applied to another as a direct and probable consequence of that act (*People v. Williams* (2001) 26 Cal. 4th 779, 782). The appellate court further noted that *Williams* said there is no requirement that the actor intend or be subjectively aware of the chances of any consequence.

The appellate court said the key issue in determining whether a conviction for assault with a deadly weapon was proper was whether the actor acted deliberately, in a way that could directly cause an injury to another. Assault with a deadly weapon, after all, is a general intent crime, not a specific intent crime.

Turning to the facts of Aznavoleh's driving, the appellate court found that he deliberately ran a red light. Aznavoleh's testimony was that he did not intend to stop at the light, but once he saw Daroose's car, he tried to stop.

The appellate court found this testimony as evidence sufficient to support the conviction. It was not merely evidence of recklessness, as Aznavoleh argued, because Aznavoleh was aware that the Glenoaks/Concord intersection was a busy intersection. This familiarity persuaded the court that Aznavoleh's conduct was intentional under the law.

The trial court's judgment was thus affirmed.

This article was written by Greg Hill, an attorney in Torrance, California. He is a U.S. Naval Academy graduate (B.S., 1987), Boston University graduate (M.B.A., 1994) and Loyola Law School graduate (J.D., 1998). Greg Hill & Associates represents clients in Torrance, Long Beach and the surrounding areas in DUI, domestic violence and restraining orders, among other crimes. Visit the firm's website at http://www.greghillassociates.com or the firm's Facebook page at http://www.facebook.com/pages/greg-hill-associates/198954460153651.