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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

THE PEOPLE, Plaintiff and Respondent, v. CARLOS ANGULO, JR., Defendant and Appellant.	G027535 (Super. Ct. No. 99CF3034) O P I N I O N

Appeal from a judgment of the Superior Court of Orange County, Nancy Wieben Stock, Judge. Affirmed.

Marilyn G. Burkhardt, under appointment by the Court of Appeal, for Defendant and Appellant.

Bill Lockyer, Attorney General, David P. Druliner, Chief Assistant Attorney General, Gary W. Schons, Assistant Attorney General, Peter Quon, Jr., and Robert M. Foster, Deputy Attorneys General, for Plaintiff and Respondent.

* * *

THE COURT:[*]

[*] Before Sills, P. J., Rylaarsdam, J., and O'Leary, J.

A jury found Carlos Angulo, Jr., guilty of one count of second degree robbery based in part on the identification by the victim that Angulo was one of two men who knocked him off his bicycle and robbed him. Angulo was sentenced to a six-year term for the robbery, and an additional five years for a serious prior conviction enhancement.

The sole issue on appeal is whether the court properly instructed the jury with CALJIC No. 17.41.1. We disagree with Angulo's claim that the court's inclusion of that instruction impermissibly chills juror deliberations, or violates his rights to an independent and impartial decision by each juror. To the contrary, CALJIC No. 17.41.1 appropriately reminds jurors that disregarding their duty to determine the outcome of a case based on the evidence presented and the law as instructed by the court is not without consequence and may be subject to inquiry.

While we recognize our Supreme Court has recently granted review of several cases regarding the validity of CALJIC No. 17.41.1, any error in giving the instruction is subject to harmless error analysis. (*People v. Molina* (2000) 82 Cal.App.4th 1329, 1335.) Although Angulo contends it was prejudicial for the court to give the instruction in this case, he does not provide any facts that demonstrate he was prejudiced by its inclusion, or that it had any effect on the deliberative process here.

The judgment is affirmed.