



LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF BRANCH & AREA OPERATIONS

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Region I

September 11, 2003

Bruce Colodny, Esq.
Post Office Box 10787
San Bernardino, California 92423-0787

Dear Mr. Colodny:

I have received and read your letter about the case of *People v. Sham Bandhu Kapil*, case number PA044054. I am familiar with the case and it has been discussed with me in my capacity as the Special Assistant to Branch and Area Operations, Region 1. Most recently, I discussed the matter with Beverly Campbell on Friday, September 5, 2003.

The eight year offer that you reference was discussed and agreed upon between myself and Ms. Campbell, based upon the facts of the case and the record of your client. Your client currently faces a maximum of 24 years in state prison, if convicted on all counts. The quantity and quality of the firearms seized in this case influenced the offer contemplated. Our department, though respectful of the opinion of Commander Harlan Ward, does not agree that this is a county jail case. It may be true that federal law and laws of other states do not restrict the possession, sale and distribution of the weapons seized in this case. However, the existence of laws in the State of California that *do* establish such restrictions indicate the intent of the California Legislature to punish your client's conduct.

As you mention, you do have several options in this matter. First, you still may bring a suppression motion. In addition, you could plead to the complaint as alleged. You would then have the ability to argue to a bench officer many of the same facts that you have argued in your letter as evidence of mitigation in order to obtain a sentence more acceptable to your client.

Very truly yours,

STEVE COOLEY
District Attorney

By

Lydia Bodin
Special Assistant/Branch and Area Operations, Region 1
(213) 974-5949

Copy to: Beverly Campbell, HD

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2003 17:24 FROM DISTRICT ATTORNEY TO 919098645243

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FOLLOW UP INVESTIGATION

DA# 031713079

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determined not to be reported stolen.

Eight large boxes of documents were seized in this case. The documents were made available to Bruce Colodny, Shari Kapil's defense attorney. Colodny examined the documents and photocopied several hundred pages. Detective Yadon has examined the majority of the documents and found them generally to be related to firearms and war surplus material (Manuals, magazines, sales flyers, etc.). There are tens of thousands of pages in these boxes resulting in little evidentiary value.

Detective Yadon has had several conversations with David Kupfer (Phone #310-373-7778). Kupfer is the attorney representing Bernard Hartog of Northridge International, Inc. Kupfer has stated that all the items that are not illegal were stolen from Northridge International, Inc. Detective Yadon has asked Kupfer to produce inventory lists or police reports which would show items in police custody which were stolen. To date, Kupfer has produced none of these items. Since the execution of a search warrant at Northridge International, Inc., Kupfer inferred that Bernard Hartog would drop all claims to the items seized in the Shari Kapil case if it could prevent his criminal prosecution.

On July 16, 2003, Detective Joyce Branelos, #30145, OIC of the LAPD Gun Unit, discussed the Shari Kapil case and possible plea agreement with Commander Harlan Ward, Assistant Commanding Officer, Detective Branelos. Detective Branelos discussed the staggering amount of evidence, additional investigative work to be done in this case and the defendant's lack of a criminal history. Commander Ward's position was that a felony plea with a county jail bid and destruction of all items in police custody would be in the best interest of the Los Angeles Police Department.

On July 21, 2003, Detective Yadon spoke with Lieutenant Gary Lynch of the Criminal Conspiracy Section, Anti-Terrorist Division, LAPD. Lynch advised Detective Yadon that Kapil's background and activities had been thoroughly examined by both local and federal agencies and found no terrorist connection with Shari Kapil or the items he possessed.

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facsimile transmittal

To: CHUCK MICHEL, ESQ. Fax: 310-548-4813
From: Bruce Colodny, Esq. Date: 11-17-03
Re: People v Sham Bandhu KAPIL Pages: 8, including this cover sheet
LASC # PA 044 054

CC:

Urgent For Review Please Comment Please Reply Please Recycle

Chuck,

Here is the letter I discussed with you at the CRPA meeting last month. I will give you a call so we can discuss it. There are some interesting legal issues in this case, particularly the lawful sale, outside of California, of "hi-cap" magazines that are "grandfathered" i.e. pre January 1, 2000. I appreciate your offer to help.

BRUCE

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