

# The RJA On Appeal: Strategic And Procedural Considerations

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# Overview



California  
Racial  
Justice Act

**1** *People v. Simmons*

**2** Assembly Bill 1118

**3** Retroactivity

**4** Resources

**PC 745(a):** The state shall not seek or obtain a criminal conviction or seek, obtain, or impose a sentence on the basis of race, ethnicity, or national origin. A violation is established if the defendant proves, by a preponderance of the evidence, any of the following:

(1) The judge, an attorney in the case, a law enforcement officer involved in the case, an expert witness, or juror exhibited bias or animus towards the defendant because of the defendant's race, ethnicity, or national origin.

(2) During the defendant's trial, in court and during the proceedings, the judge, an attorney in the case, a law enforcement officer involved in the case, an expert witness, or juror, used racially discriminatory language about the defendant's race, ethnicity, or national origin, or otherwise exhibited bias or animus towards the defendant because of the defendant's race, ethnicity, or national origin, whether or not purposeful. This paragraph does not apply if the person speaking is relating language used by another that is relevant to the case or if the person speaking is giving a racially neutral and unbiased physical description of the suspect.

(3) The defendant was charged or convicted of a more serious offense than defendants of other races, ethnicities, or national origins who have engaged in similar conduct and are similarly situated, and the evidence establishes that the prosecution more frequently sought or obtained convictions for more serious offenses against people who share the defendant's race, ethnicity, or national origin in the county where the convictions were sought or obtained.

(4) (A) A longer or more severe sentence was imposed on the defendant than was imposed on other similarly situated individuals convicted of the same offense, and longer or more severe sentences were more frequently imposed for that offense on people that share the defendant's race, ethnicity, or national origin than on defendants of other races, ethnicities, or national origins in the county where the sentence was imposed.

(B) A longer or more severe sentence was imposed on the defendant than was imposed on other similarly situated individuals convicted of the same offense, and longer or more severe sentences were more frequently imposed for the same offense on defendants in cases with victims of one race, ethnicity, or national origin than in cases with victims of other races, ethnicities, or national origins, in the county where the sentence was imposed.



*People v. Simmons*

# *People v. Simmons*

(Oct. 12, 2023, B309921) 2023 WL 6631578

## **The Violation:**

The prosecutor cross examined the defendant about his skin tone; asked him to confirm that he was light skinned; and noted that “sometimes people mistake you for something other than Black.”

During rebuttal, the prosecutor suggested the defendant was lying based on his skin tone and “ethnic presentation.”

Trial counsel does not raise RJA claim in motion for new trial held three days after the effective date of the RJA.

Client gets life sentence for attempted murder.

## The Appeal

Appellant argues the prosecutor violated PC 745(a)(2), and that trial counsel was ineffective for failing to raise the violation at sentencing.

The Attorney General concedes the error and agrees with appellant that the court could not apply harmless error standard.



## The Holdings

Violation of PC 745(a)(2)

Prejudicial Ineffective Assistance of Counsel

RJA Violation = Structural Error

No Violation of the California Constitution's Separation of Powers Clause

## Violation of PC 745(a)(2)

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Court finds the prosecutor used racially discriminatory language in violation of (a)(2) by equating “appellant’s skin tone and ‘ethnic presentation’ with deception, implying that he was not a credible witness because the color of his skin fooled women and confused strangers. The suggestion that a witness is lying based on nothing more than his complexion is as baseless as it is offensive.”

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## Prejudicial Ineffective Assistance of Counsel

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Because it was not raised below, the court considers the claim via IAC and finds the error prejudicial within the meaning of *Strickland*:

- Once violation established, court must “impose a remedy specific to the violation.”
  - Imposing any of the enumerated remedies would have changed the proceeding.
  - Failure to raise RJA violation was prejudicial *Strickland* error.
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# RJA Violation = Structural Error

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Citing legislative findings, the majority explains: the RJA “forecloses any traditional case-specific harmless error analysis.”

# No Violation of the California Constitution's Separation of Powers Clause

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Court rejects argument that the RJA violates the California Constitution's separation of powers clause.

**BUT:** Majority acknowledges “dissent’s cogent argument that the RJA violates article VI because section 13 states that it is the province of the court to decide whether an error results in a miscarriage of justice.”

Majority calls on CSC to take up the issue: “We are hopeful, indeed confident, that our Supreme Court will resolve this issue . . . soon.”

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# Dissent

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The dissent calls on the CSC to order review on its own motion.

Calls an RJA violation “a new and magical reversal ticket.”

Complains that reversal is required “even if the violation of the RJA was innocuous and the evidence of the defendant’s guilt was overwhelming.”



**Assembly Bill 1118**

## AB 1118's changes to PC 745(b):

A defendant may file a motion ~~in the trial court or, if judgment has been imposed, may file~~ *pursuant to this section*, or a petition for writ of habeas corpus or a motion under Section ~~1473.7~~ **1473.7**, in a court of competent jurisdiction, alleging a violation of subdivision (a). **For claims based on the trial record, a defendant may raise a claim alleging a violation of subdivision (a) on direct appeal from the conviction or sentence. The defendant may also move to stay the appeal and request remand to the superior court to file a motion pursuant to this section.** If the motion is based in whole or in part on conduct or statements by the judge, the judge shall disqualify themselves from any further proceedings under this section.

## Clarifies that habeas is **NOT** the exclusive post-conviction remedy.

For claims “based on the trial record,” a defendant may raise a claim alleging a violation of subdivision (a) on **direct appeal** from the conviction or sentence.

Alternatively, “the defendant may also move to **stay the appeal and request remand** to the superior court to file a motion pursuant to this section.”

Until AB 1118 was signed, whether an RJA claim could be brought on direct appeal was an open question.

## UNPUBLISHED CASE

*People v. Johnson* (Dec. 29, 2022, H048633)  
2022 WL 17986210, at p. \*31

“We decide that we need not definitively resolve the general question of whether a postjudgment Racial Justice Act claim can be brought on direct appeal. . . . We express no opinion on the parties’ competing interpretations of section 745, subdivision (b), regarding whether the statutory language is permissive or mandatory with respect to the filing of a petition for writ of habeas corpus or a motion under section 1473.7 in a court of competent jurisdiction in order to allege, after judgment has been imposed, a violation of subdivision (a) of section 745.”



## PC 745(b):

**For claims based on the trial record**, a defendant may raise a claim alleging a violation of subdivision (a) on direct appeal from the conviction or sentence.

## What is a “claim based on the trial record”?

Most likely an (a)(1) or (a)(2) claim, where racial bias or animus directed toward the client; or a party used racially discriminatory language about client’s race, ethnicity or national origin.

Statistical disparities claims – (a)(3) and (a)(4) – will likely need to be developed in the trial court or habeas.

Statute is silent as to whether claim may be raised for the *first time* on appeal.

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**PC 745 (c):**

“A motion made at trial shall be made as soon as practicable upon the defendant learning of the alleged violation. A motion that is not timely may be deemed waived, in the discretion of the court.”

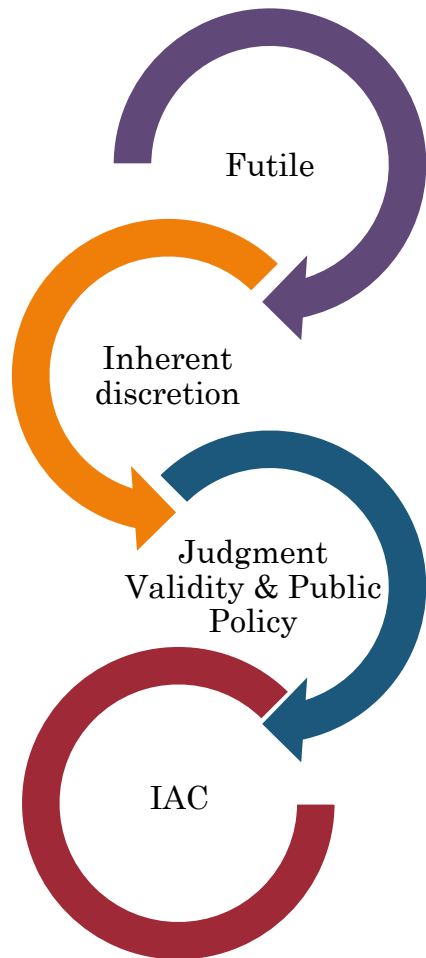
**PUBLISHED CASE (PRE-AB 1118)**

*People v. Lashon* (2023) 95 Cal.App.5th 136

“Because no CRJA motion premised on [appellant’s] claim of implicit racial bias by the trial judge was filed in the trial court during either the trial or sentencing phases, we deem forfeited her CRJA claim for purposes of direct appeal.”

**NOTE:** Petition for Review and habeas petition pending in California Supreme Court.

# Be prepared to address forfeiture if no RJA-specific objection below.



**Objection would have been futile**, especially if discriminatory act was by trial court or defense counsel. (*People v. Anderson* (2001) 25 Cal.4th 543, 587.)

Court has the **inherent discretion** to reach the issue. (*In re P.O.* (2016) 246 Cal.App.4th 288, 297–98, *People v. Williams* (1998) 17 Cal.4th 148, 161–162, fn. 6.)

Claim “**fundamentally affects the validity of the judgment** [citation], [and] . . . **important issues of public policy** are at issue [citation].” (*In re J.C.* (2017) 13 Cal.App.5th 1201, 1206.)

Backup **ineffective assistance of counsel** argument, as in *Simmons*.

## PC 745(b):

“The defendant may also move to stay the appeal and request remand to the superior court to file a motion pursuant to this section.”

**Applies to (a)(1) and (a)(2) claims only? Or can counsel request a stay for (a)(3) and (a)(4) disparities claims, which would not likely be “based on the trial record?”**

Legislative history suggests broad application and stay procedure should be available for all RJA claims:

“In other cases already on appeal, counsel may identify an RJA issue that requires additional evidence outside the record and may wish to pursue this claim before the appeal is decided. In these cases, it is more efficient to stay the appeal and remand the case to the trial court for an RJA motion to be filed rather than require a new habeas petition.” ([AB 1118, Senate Committee on Public Safety June 6, 2023.](#))

# Equivalent of an *Awad* stay? If so, good cause showing required?

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Courts ordering *Awad* stays have required one. (e.g. *People v. Cervantes* (2020) 46 Cal.App.5th 213, 226 [“A Court of Appeal presented with such a stay request and convinced it is supported by good cause can order the pending appeal stayed with a limited remand to the trial court for the sole purpose of permitting the trial court to rule on a petition under section 1170.95.”])

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*Awad* reasoned that “[a] limited remand is appropriate under [PC] section 1260 to allow the trial court to resolve one or more factual issues affecting the validity of the judgment but distinct from the issues submitted to the jury, or for the exercise of any discretion that is vested by law in the trial court.”

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AB 1118 is silent on good cause requirement so argue not required for RJA remands.

Use powerful legislative findings to argue RJA is different, and that a limited remand is appropriate to allow the client to develop the claim and for the trial court to resolve factual issues.

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**Practice Tip:** Until we know what the courts will do, support the stay request with declaration citing legal authority, statistics, social studies, etc. in support of the RJA claim as counsel has typically done with *Awad* motions.

If counsel suspects there may be a disparities claim under (a)(3) or (a)(4), consider seeking out data and use it as good cause to support the stay to allow defendant to work up claim in the trial court.

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# How should appellate counsel raise an RJA claim?

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Direct Appeal

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Companion Habeas

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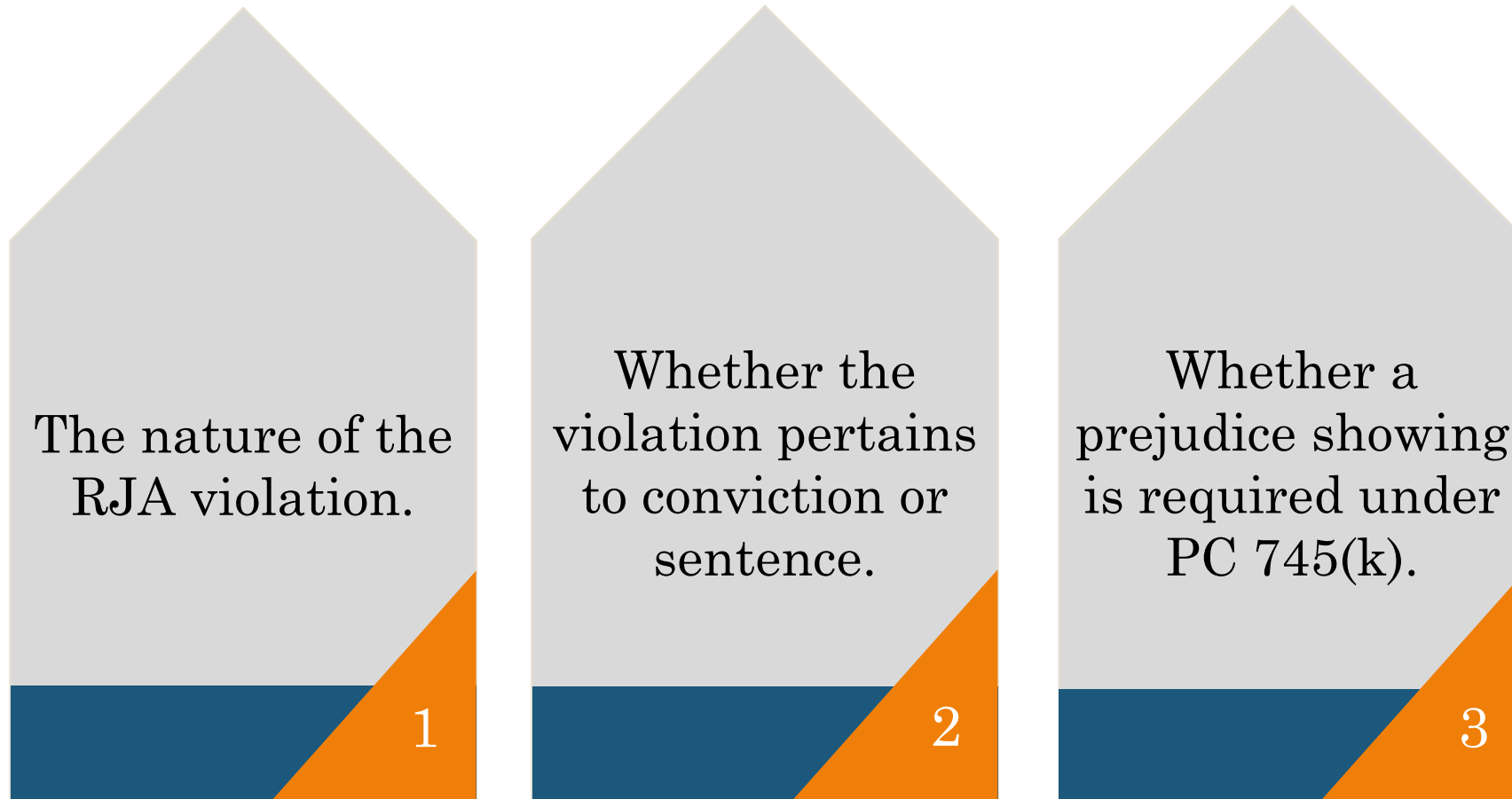
Stay and Remand  
Under New PC 745(b)

## Consider **direct appeal** when:

- 1 RJA claim was fully litigated in court below.
- 2 Error was procedural.
  - Denial of continuance to seek discovery under PC 745(d) (*People v. Garcia* (2022) 85 Cal.App.5th 290.)
  - Court misapplied the prima facie standard (*Finley v. Superior Court* (2023) 95 Cal.App.5th 12 [remanding for court to apply correct standard].)
- 3 Companion habeas will be filed bolstering the claim with out-of-record evidence.
- 4 RJA claim ties in with another issue on appeal (e.g., prosecutorial misconduct, cumulative error/prejudice).
- 5 Violation is clear on the face of the record (e.g., *Simmons*, where the prosecutor used offensive, racially discriminatory language in violation of PC 745(a)(2).)



When deciding which remedy to request on *direct* appeal consider:



**Potential Scenario #1:** RJA violation occurred at guilt/conviction stage; established in the record “by a preponderance of the evidence”; case is not final and judgment was entered after January 1, 2021. (PC 745(j)(1) & (k) [no prejudice showing required].)

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Ask the COA to “vacate the conviction and sentence, find that it is legally invalid, and order new proceedings consistent with subdivision (a).” (PC 745(e)(C)(2)(A).)

If (a)(3) claim, “ask court to modify the judgment to a lesser included or lesser related offense.” (PC 745(e)(C)(2)(A).)

**NOTE:** To establish preponderance of the evidence, party need prove only that it is more likely to be true than not true or that the existence of a fact is more probable than its nonexistence. (*People ex rel. Brown v. Tri-Union Seafoods, LLC* (2009) 171 Cal. App. 4th 1549.)

**Potential Scenario #2:** RJA violation occurred at sentencing; established in the record by preponderance of the evidence; case not final; and judgment entered after January 1, 2021.

Ask COA to “vacate the sentence, find that it is legally invalid, and impose a new sentence. On resentencing, the court shall not impose a new sentence greater than that previously imposed.”  
(PC 745(e)(C)(2)(B).)

**Potential Scenario #3:** Possible RJA violation, but question of whether the preponderance of the evidence standard is met.

Consider asking court to find a prima facie violation and remand for further proceedings, including filing a PC 745(d) discovery motion and a PC 745(c) hearing.

**NOTE:** *Simmons* did not designate the remedy but remanded for the trial court to exercise discretion to “select which of the enumerated remedies it would impose.”

## Whether to file a **companion habeas** depends on:

### Type Of Claim

#### For example:

- If the RJA violation is clear on the face of the record as in *Simmons*.
- If an expert is necessary to establish the RJA violation.

### Which Court

**In some COA districts, counsel must move to expand appointment to investigate/pursue habeas.**

- In habeas-friendly district, best practice will generally be to file habeas in connection with direct appeal with a declaration from trial counsel or expert.
- In less habeas-friendly districts, appointed counsel should try to expand appointment to bring an RJA claim on habeas. Contact your project and consulting attorney.



**CAUTION: Successive petition bar.**

Raise all viable habeas claims! While an existing habeas petition may be amended to add an RJA claim under PC 1473(f), the converse is not true; if you raise a standalone RJA claim in habeas, later claims may be considered successive.

But also keep in mind that this may be the only chance for appellant to have a counseled habeas petition.

## Advantages of filing for a stay and remand under new PC 745(b) include:

1

No successive habeas concerns

Won't preclude client's chance to develop other claims in future habeas.

2

Will allow PC 745(b) motion to be made in superior court

Chance to fully litigate claim, seek discovery, present additional evidence (experts, statistics, etc.).

Denial of that motion can then be challenged in pending appeal. (*People v. Martinez* (2019) 31 Cal.App.5th 719, 729 ["In those cases where a stay is granted and . . . the petition is unsuccessful, a defendant may seek to augment the appellate record, as necessary, to proceed with any issues that remain for decision."])

3

### No Need to Expand Appointment

May be advantageous in COA districts that are habeas-hostile.

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### Timing Considerations

May be most expeditious path to relief.

- With prior *Awad* stays, courts sometimes act quickly.

**BUT:** Some stays drag on for months as hearing gets repeatedly continued in trial court; appellate counsel has to keep COA updated with status.

# Bottom Line

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Counsel should:

1. Conduct holistic appraisal of case, considering strength of RJA claim vs. other claims on appeal, length of sentence, quality of trial court representation (e.g., whether county has strong PD office/conflict panel), etc.
2. Consult with your project.



# FAQs



# Question:

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**If the court grants my request for limited stay and remand, who represents the client in the superior court?**

Should be trial counsel (as generally occurred in other *Awad* stay contexts, including PC 1172.6 appeals).

If appellate counsel wants to seek appointment on the trial court RJA motion, appellate counsel will likely need to seek superior court appointment.

# Question:

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**What if I have an RJA claim in an active appeal and the due date for the AOB is fast approaching?**

Attorneys with a potential RJA claim in the trial record can raise it now. There is no need to wait until the January 1, 2024, effective date.

In similar situations regarding newly-enacted legislation, appellate courts have allowed briefing on the import of such provisions during the interval between the Governor's signature of a bill and its effective date. (e.g., *People v. Garcia* (2018) 28 Cal.App.5th 961, 973 [COA elected to decide a claim involving an amended sentencing statute prior to the effective date].)

**Less clear: Requesting a stay before January 1, 2024.** We suspect COA will allow it to be filed to avoid unnecessary filing of EOTs; however, this remains to be seen and might depend on the court.

If in doubt, file EOT(s) and argue AB 1118 is good cause for the request.

# Question:

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**What if I have raised an RJA claim in the opening brief of a non-final appeal, and the Attorney General has argued that habeas is the exclusive post-conviction remedy?**

Consider filing a supplemental authority letter based on AB 1118.

If the claim requires further development in the trial court, consider filing a request for stay.

Timing? Again, probably ok not to wait until January 1, 2024; key is to get the request before the court issues the opinion.

# Question:

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**What if the opinion has issued and is adverse to client in ways that AB 1118 would have helped?**

File a petition for rehearing if there is still time.

Petition for review or seek to add a claim to an already-filed petition for review, and ask California Supreme Court to grant review and transfer to COA for consideration of RJA claim.

# Question:

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**What if the case is long final, but I remember the client might have a righteous RJA claim?**

Consider contacting trial counsel and/or public defender post-conviction unit.

Talk to appellate project for suggestions about facilitating an appointment in superior or appellate court.

Contact the client and provide resources:

1. Judicial Council is creating a pro per RJA habeas form, which will be released for public comment in December but likely not available until next fall;
2. Until RJA-specific judicial council form is available, use judicial council habeas form (mc 275);
3. Advise how to fill out form (i.e., state the nature of the claim, relevant statutes, attach pages of transcripts that show the violation (if counsel or client has them), and request appointment of counsel); and
4. Other resources (e.g., Ella J. Baker RJA 4 all, Prison Law Office state habeas corpus guide).

**NOTE:** Client-facing resource guide on preparing and filing pro per RJA habeas petitions is being prepared; expect by end of 2023.

# Question:

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**If I raise an RJA claim on direct appeal but do not file a companion habeas, and the COA rejects the claim, can the client thereafter file a habeas based on the same violation but supported by out-of-record evidence?**

Probably under recognized exceptions to *Waltreus* and *Dixon*:

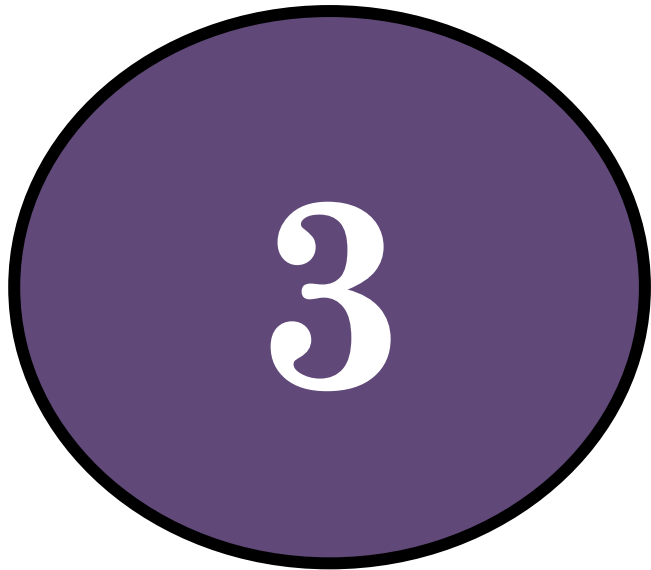
*In re Waltreus* (1965) 62 Cal.2d 218 [court ordinarily will not consider, on habeas corpus, a claim which was raised and rejected on direct appeal.]

*In re Dixon* (1953) 41 Cal.2d 756 [court will not consider habeas claim which could have been but was not raised on direct appeal.]

## **Recognized exceptions:**

Post-appeal habeas claims based on trial or appellate counsel IAC. (*In re Harris* (1993) 5 Cal.4th 813.)

Claim includes evidence outside appellate record that is material and “of substance” to the claim. (*In re Robbins* (1998) 18 Cal.4th 770, 814.)



## **Retroactivity**



## With passage of AB 256, RJA habeas petitions can be filed:

- In all cases in which judgment is not final.
- **January 1, 2023:** Petitioners sentenced to death & those with actual or potential immigration consequences regardless of when the judgment or disposition became final.
- **January 1, 2024:** Petitioners currently serving state prison or PC 1170(h) jail sentence, or DJJ commitment regardless of when judgment or disposition became final.
- **January 1, 2025:** All felony convictions or DJJ commitments where case became final on or after January 1, 2015.
- **January 1, 2026:** All cases filed pursuant to PC 1473.7 or PC 1473(f) in which judgment was for a felony conviction or juvenile disposition w/ DJJ commitment, regardless of when judgment or disposition became final.

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**Prospective claims:** No prejudice showing required in non-final cases (745 (j)(1)).

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## Pre-2021 Claims under 745 (a)(1) and (2): Prejudice showing required

PC 745 (k): “For petitions filed in cases for which judgment was entered before January 1, 2021, and only in those cases, if the petition is based on a violation of paragraph (1) or (2) of subdivision (a), the petitioner shall be entitled to relief as provided in subdivision (e), unless the state proves beyond a reasonable doubt that the violation did not contribute to the judgment.”

This is the *Chapman* harmless error standard.

In theory, prosecution’s burden should be formidable (although we all know the reality of how courts apply *Chapman* is quite different):

“Under *Chapman*, it is not the defendant’s burden to show that the error did have adverse effects; it is the state’s burden to show that the error did not have adverse effects. Because it may be difficult to determine whether a particular error contributed to the jury’s verdict given the counterfactual nature of the inquiry, ‘the allocation of the burden of proving harmlessness can be outcome determinative in some cases.’” (*People v. Jackson* (2014) 58 Cal.4th 724, 793 (conc. & dis. opn. of Liu, J), quoting *Gamache v. California* (2010) 562 U.S. —, 131 S.Ct. 591 [statement of Sotomayor, J.]

## Judgment “entered” does not equal judgment “final.”

A case can be not yet “final” for purposes of retroactivity because it is still pending on direct appeal (see *People v. Padilla* (2022) 13 Cal.5th 152, 161–162) even though judgment has been “entered” prior to January 1, 2021.

Subdivisions 745 (j)(1) and (k) seem to use the two terms interchangeably, but they have distinct legal meanings.

If the case is not “final” but judgment “entered” pre-January 1, 2021, prejudice showing required under (k)?

Unclear but argue (j)(1) controls and no prejudice required.



**NOTE:**

Drafting error in  
PC 1473(f)

“Notwithstanding any other law, a writ of habeas corpus may also be prosecuted after judgment has been entered based on evidence that a criminal conviction or sentence was sought, obtained, or imposed in violation of subdivision (a) of Section 745, if that section applies based on the date of judgment as provided in **subdivision (k) of Section 745.**”

We’ve heard from those involved with the drafting that this was an error; should have referred to the phase-in provisions of subdivision (j).

Hoping to get a fix next year.

**Important:** Prima facie showing for RJA habeas claim is lower burden than with general habeas. (*Finley v. Superior Court* (2023) 95 Cal.App.5th 12.)

***Finley* holds:**

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RJA prima facie standard is different from, and lower than, the regular prima facie standard in habeas because the defendant **need only prove a substantial likelihood of a violation** if the facts are taken as true.

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Trial court may not make credibility determinations at the prima facie stage; rather it must accept defendant's factual allegations as true except in a "rare case" where record irrefutably establishes the allegations are false.

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Trial court applied incorrect prima facie standard; because the correct standard is newly interpreted, remand is appropriate to give trial court an opportunity to apply it.

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## **Appointment of Counsel:**

Appointment of counsel required where petition “alleges facts that would establish a violation of subdivision (a) of Section 745.”

The petition shall state if the petitioner requests appointment of counsel and the court shall appoint counsel if the petitioner cannot afford counsel and either the petition alleges facts that would establish a violation of subdivision (a) of Section 745 or the State Public Defender requests counsel be appointed. (PC 1473(f).)

## **Habeas Denial Not Appealable.**

If RJA habeas denied at prima facie stage without appointment of counsel, client will have to file a pro per habeas in Court of Appeal.

If denied after appointment of counsel, hopefully trial counsel will assist in drafting the appellate habeas petition.

**NOTE:** Drafters tried but unsuccessful in making denial of RJA petition appealable.



## **Court of Appeal Appointment:**

Mandatory after prima facie showing and issuance of Order to Show Cause.

Upon issuance of OSC on pro per habeas petition, appellate courts will direct project to appoint counsel.

Appellate courts also have inherent discretion to appoint counsel at the pre-OSC stage, and may direct appointed counsel to file an amended petition.

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If RJA habeas claim denied by Court of Appeal, file  
Petition For Review or original habeas in California  
Supreme Court.

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# FAQs



# Question:

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**Can appellate counsel represent former client on a superior court habeas?**

Maybe, although appointment would have to be through the superior court.

**NOTE:** Ten hours of RJA MCLE training required for appointment on superior court RJA habeas.

**New PC 1473.1:** The Judicial Council shall promulgate standards for appointment of private counsel in superior court for claims filed pursuant to subdivision (f) of Section 1473 of the Penal Code by individuals who are not sentenced to death. These standards shall include a minimum requirement of 10 hours of training in the California Racial Justice Act of 2020. The training required by this section shall meet the requirements for Minimum Continuing Legal Education credit approved by the State Bar of California.

# Question:

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**Does a resentencing reset the clock for entry of judgment, allowing defendant to raise a prospective RJA claim without need to show prejudice?**

For example, client was tried, convicted and sentenced in 2019 (pre-RJA), but the case was remanded for resentencing in 2021.

Yes, per *Garcia*: “In criminal cases, however, ‘judgment is synonymous with the imposition of sentence.’” (*People v. Perez* (1979) 23 Cal.3d 545, 549, fn. 2.)

In *Garcia*, “in July 2020, the judgment was partially reversed and remanded, and defendant was not resentenced until May 17, 2021. . . . Because judgment was not entered at the time the CRJA became effective on January 1, 2021, defendant is not barred from seeking relief under the new law.” (*People v. Garcia* (2022) 85 Cal.App.5th 290, 298.)

## **Emerging issue in the Courts of Appeal:**

Whether/when particular types of resentencing trigger opportunity to raise particular types of RJA claims (differentiating between RJA claims that go to the guilt determination as opposed to only the sentence). (*Garcia*.)

# Question:

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**Does newly-passed AB 600 have any interplay with retroactive claims under the RJA?**

AB 600 allows a judge to recall and resentence on their own motion, without agreement from the DA, “at any time if the applicable sentencing laws at the time of original sentencing are subsequently changed by new statutory authority or case law.”

AB 600 explicitly references the RJA:

Section 1 (c) Consistent with the California Racial Justice Act, it is the intent of the Legislature to provide remedies that ameliorate discriminative practices in the criminal justice system, including discrimination in seeking or obtaining convictions or imposing sentences.

Section 2: (a)(2) The court, in recalling and resentencing under this subdivision, shall apply the sentencing rules of the Judicial Council and apply any changes in law that reduce sentences or provide for judicial discretion so as to eliminate disparity of sentences and to promote uniformity of sentencing.

May be important new tool for RJA retroactive cases in that it provides a trial court a sentencing alternative to adjudicating an RJA claim under PC 1473(f).



## **Resources**

## Resources:

- ACLU RJA Data: <https://www.aclunc.org/documents-related-implementation-racial-justice-act>
- Ella Baker Center for Human Rights – Racial Justice Act Guide: <https://ellabakercenter.org/rja-info/>
- FDAP’s J. Bradley O’Connell’s State Habeas Corpus – Principles, Practice and Perils: <https://www.fdap.org/wp-content/uploads/2021/12/State-Habeas-Corpus-Principles-Practice-and-Perils.pdf>
- OSPD Sharepoint: <https://www.ospd.ca.gov/newospd-listserv/>
- OSPD’s Case Consult Coordinator: Lisa Romo ([Lisa.Romo@ospd.ca.gov](mailto:Lisa.Romo@ospd.ca.gov))
- Prison Law Office’s State Habeas Corpus Manual: <https://prisonlaw.com/wp-content/uploads/2019/06/HCM-June-2019.pdf>



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# Questions

