

Important Developments in the 2025-2026 Edition

This edition includes the following important developments:

- The California Supreme Court in *In re Harris*, 16 Cal.5th 292, 302, 322 Cal.Rptr.3d 157, 550 P.3d 116 (2024), held that, in deciding whether a defendant can be held without bail under California Constitution, article I, section 12, subdivision (b), a judge is not restricted to considering only evidence which would be admissible at trial.

- In *People v. Wilson*, 16 Cal.5th 874, 323 Cal.Rptr.3d 790, 552 P.3d 974 (2024), the California Supreme Court rejected a defense argument that, whenever a defendant signals an intent to raise a colorable claim in the trial court under the California Racial Justice Act (Penal Code § 745, RJA), an appellate court is required to stay an appeal.

- *Mosley v. Superior Court*, 101 Cal.App.5th 243, 251, 319 Cal.Rptr.3d 887 (2024), explained that while probable cause is required for both an arrest and a search under the Fourth Amendment, and “[a]lthough the probable cause standard governs both inquiries, and the same quantum of evidence is necessary to establish either, ‘there may be probable cause to search without probable cause to arrest, and vice-versa. . . .’”

- *People v. Valle*, 105 Cal.App.5th 195, 197, 325 Cal.Rptr.3d 730 (2024), held a violation of the law requiring that peace officers inform a person of the reason for making a stop on a citation (Vehicle Code § 2806.5(a)) does not result in suppression of evidence.

- The Court of Appeal in *People v. Rounds*, 102 Cal.App.5th 689, 701, 321 Cal.Rptr.3d 726 (2024), held that, in ruling on a request to issue a certificate of rehabilitation under Penal Code § 4852.05, a judge must “consider the petitioner’s postrelease conduct, not the circumstances of the underlying crime.”

- *People v. Carrillo*, 101 Cal.App.5th 1, 6, 319 Cal.Rptr.3d 334 (2024), determined Penal Code § 1473.7, applicable when a person misunderstood immigration consequences, is very broad, “authoriz[ing] an order vacating: (1) the initial convic-

tion, (2) the sentence imposed for the initial conviction, (3) a subsequent admission of a probation violation, (4) the additional incarceration imposed for a probation violation, or (5) some combination of the foregoing.”

Several Court of Appeal opinions were issued pertaining to the RJA, including the following:

- *People v. Corbi*, 106 Cal.App.5th 25, 44, 327 Cal.Rptr.3d 284 (2024). In appeals from post-enactment trials, although a formal motion is not needed in the trial court to preserve an RJA violation argument on appeal, a trial objection must either mention the RJA or otherwise articulate a claim under Penal Code § 745.

- *People v. Singh*, 103 Cal.App.5th 76, 323 Cal.Rptr.3d 45 (2024). In a situation where the RJA is raised in a pretrial hearing regarding a violation during a custodial interrogation, a court can remedy the violation by redacting the challenged statements “while permitting admission of the remainder of the interview, which was relevant to the disputed issues at trial.”

- *Sanchez v. Superior Court*, 106 Cal.App.5th 617, 624, 327 Cal.Rptr.3d 225 (2024). The RJA authorized relieving a deputy public defender from representing a defendant, after the court was informed the deputy made remarks invoking the defendant’s race as a factor to consider during plea bargaining.

- *People v. Howard*, 104 Cal.App.5th 625, 650, 324 Cal.Rptr.3d 848 (2024). A court should not make credibility determinations in determining whether a defendant has established a prima facie violation of the RJA.

- *Gonzalez v. Superior Court of Santa Clara County*, 108 Cal.App.5th Supp. 36, 44, 329 Cal.Rptr.3d 449 (2024). Writ petition granted, ordering trial court to consider the “Alhambra factors” (*City of Alhambra v. Superior Court*, 205 Cal.App.3d 1118, 1134, 252 Cal.Rptr. 789 (1988)) in determining whether RJA discovery should be granted.

- *People v. Quintero*, 107 Cal.App.5th 1060, 1077-1078, 328 Cal.Rptr.3d 771 (2024). Use by the prosecutor during closing argument of the terms “monsters” and “predators,” although they could constitute dehumanizing pejoratives against persons of color, amounted to fair commentary on the evidence at trial, and were held to not violate the RJA.

- *People v. Lawson*, 108 Cal.App.5th 990, 994, 330 Cal.Rptr.3d 1 (2025). “[O]rdinary evidentiary rulings based on

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relevance” held not to demonstrate implicit racial bias on the part of the judge presiding over the defendant’s trial.

Professor Laurie L. Levenson
The Honorable Alex Ricciardulli

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