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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIFTH APPELLATE DISTRICT

RUBEN ROCHA CASTRO,

Petitioner,

v.

THE SUPERIOR COURT OF KERN
COUNTY,

Respondent;

THE PEOPLE,

Real Party in Interest.

F090963

(Kern Super. Ct. No. BF154926A)

OPINION

ORIGINAL PROCEEDINGS; petition for writ of mandate. Brian M. McNamara,
Judge.

Jasmine A. Mines for Petitioner.

No appearance for Respondent.

Rob Bonta, Attorney General, Charles C. Ragland, Chief Assistant Attorney
General, Kimberley A. Donohue, Assistant Attorney General, Amanda D. Cary and
Hannah Janigian Chavez, Deputy Attorneys General, for Real Party in Interest.

-ooOoo-

In 2016, Ruben Rocha Castro was convicted by a jury of first degree murder and sentenced to 25 years to life in prison. In 2025, Castro, who is Hispanic, petitioned the superior court for a writ of habeas corpus alleging he was disparately charged and sentenced due to his race, ethnicity, or national origin in violation of the California Racial Justice Act of 2020 (Stats. 2020, ch. 317, § 1; RJA or the Act). In his petition, Castro sought discovery under Penal Code¹ section 745, subdivision (d) of police reports, charging documents, plea bargain records, abstracts of judgment, and probation reports. The trial court denied Castro’s petition including his discovery motion.

Castro renewed his petition for writ of habeas corpus with this court raising the same RJA claims and requesting his RJA discovery motion be granted. We issued an order to show cause why Castro’s request for relief on his discovery motion should not be granted. In response, the People aver that the instant petition should be treated as a petition for writ of mandate from the trial court’s denial of Castro’s discovery motion and concede Castro established a plausible factual foundation for discovery. The People assert, and Castro agrees, the matter should be remanded for development of the record on the relevant factors governing RJA discovery and for the trial court to consider those factors in the first instance.

We exercise our discretion to construe Castro’s petition for writ of habeas corpus as a petition for writ of mandate challenging the trial court’s denial of his RJA discovery motion. We conclude the trial court misapplied the applicable legal standards and erred by denying Castro’s motion. We therefore grant the petition, direct the trial court to vacate its denial of Castro’s discovery motion, and remand for further proceedings consistent with this opinion.

¹ Undesignated statutory references are to the Penal Code.

FACTUAL AND PROCEDURAL BACKGROUND²

In October 2014, the Kern County District Attorney charged Castro with premeditated first degree murder (§§ 187, 189). Castro pleaded not guilty, and the matter proceeded to a jury trial in 2016. The jury found Castro guilty as charged. On July 1, 2016, the trial court sentenced Castro to 25 years to life.³

Castro filed a direct appeal of his conviction arguing there was insufficient evidence of premeditation and deliberation. In 2018, this court affirmed the judgment in an unpublished opinion. (*People v. Castro, supra*, F074074.) The Supreme Court denied Castro’s petition for review. (*People v. Castro*, S250304.)

On June 11, 2025,⁴ Castro, through counsel,⁵ filed a petition for writ of habeas corpus with the Kern County Superior Court alleging his prosecution, conviction, and sentence were unlawfully influenced by systemic racial bias in violation of the RJA. Castro sought relief because compared with similarly situated individuals of other races, he was charged or convicted more severely (§ 745, subd. (a)(3)), and he received a longer or more severe sentence (§ 745, subd. (a)(4)). Castro alleged: (1) the Kern County District Attorney engaged in discriminatory charging practices by charging him with first degree murder and denying any plea to a lesser offense despite allowing similarly situated non-Hispanic defendants to plead to voluntary manslaughter; (2) available data

² Parts of the background are drawn from our prior nonpublished opinion in this matter, *People v. Castro* (June 27, 2018, F074074), which was among Castro’s exhibits. Our prior opinion gives a summary of the facts underlying Castro’s conviction. As the facts are not relevant to the issues raised on appeal, we do not repeat them here. In short, Castro strangled the victim, a sex worker, in her motel room in Bakersfield.

³ “Every person guilty of murder in the first degree shall be punished by death, imprisonment in the state prison for life without the possibility of parole, or imprisonment in the state prison for a term of 25 years to life.” (§ 190, subd. (a).)

⁴ Castro states this was the date the petition was filed although the petition is dated March 14, 2025.

⁵ Castro has not been appointed counsel and has privately retained counsel.

and case records show Hispanic defendants in Kern County receive more severe charges, longer sentences, and fewer plea opportunities than White defendants facing comparable conduct; and (3) statistical data shows Hispanic defendants in Kern County are arrested, charged, convicted, and sentenced at disproportionately higher rates than White defendants.

Castro attached several exhibits in support of his petition which included statistical information on arrests, charging, convictions, and sentences for Hispanic people in Kern County. Castro also cited three cases as evidence the Kern County District Attorney offered more favorable outcomes to similarly situated non-Hispanic defendants: *People v. Johnson* (June 7, 2024, F086571) [nonpub. opn.], *People v. Rhynes* (January 22, 2024, F085253) [nonpub. opn.], and *People v. Goodson* (July 13, 2016, F071800) [nonpub. opn.]. Castro asserted that in all three cases the defendants, like Castro, were initially charged with murder, but, unlike Castro, these defendants ultimately received a plea deal to voluntary manslaughter.

In his petition, Castro also sought discovery pursuant to section 745, subdivision (d) of the following records for Kern County from 2004 to 2024: police reports from homicide cases; charging documents for murder and voluntary manslaughter; plea agreements offered and accepted where the defendant was initially charged with murder in either degree; abstracts of judgment for murder and voluntary manslaughter convictions; and probation reports for homicide defendants.

Castro asked the trial court to find he had made a prima facie showing his conviction was obtained and his sentence imposed in violation of the RJA and vacate his sentence. Alternatively, Castro asked the court to grant his discovery request, issue an order to show cause, and set the matter for an evidentiary hearing (§ 745, subd. (c)) to fully develop the record on his RJA claim.

On August 5, 2025, the trial court issued an order denying Castro's petition for writ of habeas corpus. The court concluded disparate treatment in plea offers does not

violate section 745, subdivision (a) because the section makes no mention of such offers. However, the court found even if plea offers were covered by the RJA, Castro had failed to present a prima facie case because no admissible evidence was presented that Castro was never offered a plea. Moreover, the three cases Castro cited to show plea offer disparity—*Johnson*, *Rhynes*, and *Goodson*—were distinguishable on evidentiary grounds. Specifically, the court opined that the evidence against Castro was very strong while the evidence against the defendants in those cases was significantly weaker. The court further found no disparate treatment in charging between Castro and the three defendants as they were all charged with the same offense: first degree murder. Finally, the court found no disparate treatment in sentencing given Castro was convicted of a different offense than the other defendants. Specifically, Castro was convicted of first degree murder while the three defendants were convicted of voluntary manslaughter.⁶ The court further observed that Castro received the lowest possible sentence for his conviction. The trial court concluded Castro failed to establish a prima facie case for habeas corpus relief, declined to issue an order to show cause or appoint counsel, and denied Castro’s petition.

The trial court also denied Castro’s request for discovery. The court found Castro failed to meet the standard for discovery in *Young v. Superior Court* (2022) 79 Cal.App.5th 138 (*Young*) because he failed to present a plausible factual foundation that a violation of the RJA could or might have occurred. The court concluded Castro’s claim he was not offered a plea deal which defendants of other races had been offered did not support a violation of the RJA.

DISCUSSION

A. Overview of the Racial Justice Act

Effective January 1, 2021, the Legislature enacted the RJA (Assembly Bill

⁶ “Voluntary manslaughter is punishable by imprisonment in the state prison for 3, 6, or 11 years.” (§ 193, subd. (a).)

No. 2542 (2019–2020 Reg. Sess.) “to eliminate racial bias from California’s criminal justice system”; “to ensure that race plays no role at all in seeking or obtaining convictions or in sentencing”; and “to ensure that individuals have access to all relevant evidence, including statistical evidence, regarding potential discrimination in seeking or obtaining convictions or imposing sentences.” (Stats. 2020, ch. 317, § 2(i), (j).) To achieve these objectives, the RJA added section 745 to the Penal Code (Stats. 2020, ch. 317, § 3.5) and amended sections 1473 and 1473.7 (Stats. 2020, ch. 317, §§ 4, 5).

Section 745, subdivision (a) proclaims that “[t]he 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.” Section 745 specifies four categories which, if proven by a preponderance of the evidence, constitute a violation of the RJA. (§ 745, subd. (a)(1)–(4).) As relevant here, a violation occurs under section 745, subdivision (a)(3) where “[t]he 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.” Also relevant here, a violation occurs under section 745, subdivision (a)(4)(A) where “[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.”⁷

⁷ The other two categories of RJA violations are: (1) “[t]he 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,

Section 745, subdivision (h)(1) offers the following definition: “ ‘More frequently sought or obtained’ or ‘more frequently imposed’ means that the totality of the evidence demonstrates a significant difference in seeking or obtaining convictions or in imposing sentences comparing individuals who have engaged in similar conduct and are similarly situated, and the prosecution cannot establish race-neutral reasons for the disparity. The evidence may include statistical evidence, aggregate data, or nonstatistical evidence.”

Section 745, subdivision (h)(6) defines “ ‘[s]imilarly situated’ ” to mean “factors that are relevant in charging and sentencing are similar and do not require that all individuals in the comparison group are identical.”

Initially, the RJA applied only prospectively to cases in which judgment had not yet been entered as of the Act’s effective date. (§ 745, former subd. (j).) As relevant here, beginning January 1, 2024, the RJA applies to all cases in which the petitioner is currently serving a sentence in state prison regardless of when the judgment or disposition became final. (§ 745, subd. (j)(3).)

A defendant in custody may file a petition for writ of habeas corpus alleging a violation of the RJA. Specifically, section 745, subdivision (b) provides that “[a] defendant may file a motion pursuant to this section, or a petition for writ of habeas corpus or a motion under Section 1473.7, in a court of competent jurisdiction, alleging a violation of subdivision (a).” “The RJA also amended section 1473, which identifies bases for prosecuting a petition for writ of habeas corpus, to add a subdivision governing the litigation of RJA claims.” (*People v. Wilson* (2024) 16 Cal.5th 874, 945; see § 1473,

or national origin” (§ 745, subd. (a)(1)); and (2) “[d]uring 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” (§ 745, subd. (a)(2)). A violation of the RJA may also occur where a longer or more severe sentence was imposed based on the victim’s race. (§ 745, subd. (a)(4)(B).)

subd. (e).)

“[I]f a habeas petition makes a prima facie showing of entitlement to relief under the Act, the trial court must issue an order to show cause and hold an evidentiary hearing. (§ 1473[, subd.](e).) ... If, after a hearing, the court finds a violation of section 745, subdivision (a) by a preponderance of the evidence, the court ‘shall impose a remedy specific to the violation’ ” pursuant to section 745, subdivision (e). (*People v. Wilson, supra*, 16 Cal.5th at pp. 945–946.)

If a court finds after judgment has been entered “that a conviction was sought or obtained in violation of [section 745,] subdivision (a), the court shall vacate the conviction and sentence, find that it is legally invalid, and order new proceedings consistent with [section 745,] subdivision (a). If the court finds that the only violation of [section 745,] subdivision (a) that occurred is based on paragraph (3) of [section 745,] subdivision (a), the court may modify the judgment to a lesser included or lesser related offense.” (§ 745, subd. (e)(2)(A).) If a court finds after judgment has been entered “that only the sentence was sought, obtained, or imposed in violation of [section 745,] subdivision (a), the court shall 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.” (§ 745, subd. (e)(2)(B).)

B. Discovery Under the Racial Justice Act

The RJA contains a discovery provision in section 745, subdivision (d). If a defendant believes a violation of the RJA has occurred, he or she “may file a motion requesting disclosure to the defense of all evidence relevant to a potential violation of subdivision (a) in the possession or control of the state.” (§ 745, subd. (d).) “Upon a showing of good cause, the court shall order the records to be released.” (*Ibid.*)

In *Young*, the court of appeal addressed what constitutes “good cause” for purposes of discovery under section 745, subdivision (d). The court conducted a comprehensive analysis of the RJA’s enactment, as well as general provisions governing

discovery in criminal cases. (*Young, supra*, 79 Cal.App.5th at pp. 149–160.) Drawing on the *Pitchess*⁸ standard for discovery of law enforcement personnel records, the *Young* court held that “in order to establish good cause for discovery under the [RJA], a defendant is required only to advance a plausible factual foundation, based on specific facts, that a violation of the [RJA] ‘could or might have occurred’ in his case.” (*Young*, at p. 159.)

This standard for discovery under section 745, subdivision (d) is “even more relaxed” than the *Pitchess* standard in two respects. (*Young, supra*, 79 Cal.App.5th at p. 159.) First, while a *Pitchess* motion must be accompanied by an affidavit setting forth a reasonable belief that the requested discovery is material to the subject matter of the case, there is no comparable affidavit requirement for discovery under the RJA. (*Young*, at p. 159.) Second, unlike in a *Pitchess* motion, an RJA discovery motion has “no materiality requirement, at least not in the sense that the defendant must show a ‘logical link’ between some defense and a pending charge.” (*Young*, at pp. 159–160.)

The RJA’s “counterpart to *Pitchess* materiality is ‘relevan[ce] to a potential violation of [section 745,] subdivision (a).’ (§ 745, subd. (d).) Since a section 745, subdivision (a) violation may be proved up in several different ways based on a variety of direct or circumstantial evidence of discrimination under subdivision (a)(1)–(4), the threshold showing for good cause must be commensurately broad and flexible. The limiting factor is ‘relevance’ in the discovery sense—that is, each request for disclosure must be reasonably calculated to lead to discovery of admissible evidence probative of a section 745, subdivision (a) violation. This subject matter limitation on the scope of discoverable material creates an outer boundary that, if crossed, may justify an order narrowing or otherwise limiting the obligation to respond. And as always in the context of discovery, the trial court has ample discretion to manage where the discovery-

⁸ *Pitchess v. Superior Court* (1974) 11 Cal.3d 531.

relevance boundary lies.” (*Young, supra*, 79 Cal.App.5th at p. 160.)

The *Young* court found support for its articulated good cause standard for discovery in “the escalating burdens of proof” within section 745. (*Young, supra*, 79 Cal.App.5th at p. 160.) “The burden at the discovery stage is a good cause showing, the burden at the prima facie stage is higher, and the burden at the evidentiary hearing is higher still—proof of an RJA violation by a preponderance of the evidence.” (*Gonzales v. Superior Court* (2024) 108 Cal.App.5th Supp. 36, 61 (*Gonzales*),⁹ citing § 745, subds. (c), (d) & (e).) As “the least onerous” of the statute’s burdens of proof, the plausible justification standard “should not be difficult to meet.” (*Young*, at p. 161.) Accordingly, “where the defendant makes a showing of plausible justification that there was or could have been a violation of the [RJA], thus triggering access to ‘all relevant evidence’ [citation] concerning a potential violation of section 745, subdivision (a), it will likely be an abuse of discretion to ‘totally foreclose[]’ discovery.” (*Young*, at pp. 168–169.)

The *Young* standard for discovery was further supported by the stated purposes of the Legislature in enacting the RJA. “Specifically, the Legislature sought to depart from United States Supreme Court precedent requiring defendants to demonstrate discriminatory purpose under the equal protection clause.” (*McDaniel v. Superior Court* (2025) 111 Cal.App.5th 228, 238–239 (*McDaniel*).) In *McCleskey v. Kemp* (1987) 481 U.S. 279, the Supreme Court acknowledged the defendant’s proffered statistical analysis indicated a racial disparity in imposition of the death penalty but concluded such “disparities in sentencing are an inevitable part of our criminal justice system.” (*Id.* at p. 312.) In *United States v. Armstrong* (1996) 517 U.S. 456, the Supreme Court held that

⁹ Cases from an appellate division of the superior court are persuasive but not binding precedent on this court. (*Suastez v. Plastic Dress-Up Co.* (1982) 31 Cal.3d 774, 782, fn. 9.) We find *Gonzales* persuasive because the appellate division gave a thorough and detailed discussion of section 745, subdivision (d).

for a defendant to succeed in a selective-prosecution discovery motion, the defendant must produce “ ‘some evidence’ ” showing discriminatory effect and discriminatory intent. (*Id.* at p. 468.) To meet this “rigorous standard” (*ibid.*), a defendant must make “a credible showing of different treatment of similarly situated persons” (*id.* at p. 470). “The holding in *Armstrong* ... has long been criticized for requiring defendants to prove up their claims on the merits just to be entitled to discovery.” (*Young, supra*, 79 Cal.App.5th at p. 162.)

Citing *McCleskey* in enacting the RJA, the Legislature expressly “reject[ed] the conclusion that racial disparities within our criminal justice [system] are inevitable” and sought to “actively work to eradicate them.” (Stats. 2020, ch. 317, § 2(i).) “In rejecting [federal precedent’s] framework, the Legislature enacted a statutory scheme that ‘eliminates any requirement to show discriminatory purpose (§ 745, subs. (a)(2), (f)) and permits violations of the Act to be established based on statistics (§ 745, subs. (c)(1), (h)(1)),’ directly refuting *McCleskey* and *Armstrong*.” (*McDaniel, supra*, 111 Cal.App.5th at p. 239.) In doing so, “the Legislature rejected *Armstrong*’s ‘rigorous standard for discovery’ [citation], and instead focused ‘on creating a discovery-triggering standard that is low enough to *facilitate potentially substantial claims*, even if it came at some cost to prosecutorial time and resources.’ ” (*McDaniel*, at p. 246; *Young, supra*, 79 Cal.App.5th at p. 156 [the “good cause standard set by the Legislature is significantly lower than the rigorous standard announced in *Armstrong*”].)

A “showing of plausible justification is merely a threshold consideration.” (*Young, supra*, 79 Cal.App.5th at p. 144.) In determining if a defendant is entitled to the requested discovery, the court must still “ ‘consider and balance’ ” the *Alhambra*¹⁰ factors: “ ‘(1) whether the material requested is adequately described, (2) whether the requested material is reasonably available to the governmental entity from which it is

¹⁰ *City of Alhambra v. Superior Court* (1988) 205 Cal.App.3d 1118, 1134.

sought (and not readily available to the defendant from other sources), (3) whether production of the records containing the requested information would violate (i) third party confidentiality or privacy rights or (ii) any protected governmental interest, (4) whether the defendant has acted in a timely manner, (5) whether the time required to produce the requested information will necessitate an unreasonable delay of [the] defendant’s trial, [and] (6) whether the production of the records containing the requested information would place an unreasonable burden on the governmental entity involved.’ ” (*Young*, at pp. 144–145.) “Described broadly, the court’s task will be to engage in a discretionary weighing of the strength of [the defendant’s] factual showing, the potential probative value of the information he seeks, and the burdens of gathering the requested ‘records or information’ for disclosure.” (*Id.* at p. 145.) If the court concludes discovery is warranted, “the scope of compelled discovery must be tailored to demonstrated need.” (*Ibid.*)

Effective January 1, 2026, Assembly Bill No. 1071 (2025–2026 Reg. Sess.) (Assembly Bill 1071) further amended the RJA including its discovery provision. Assembly Bill 1071 sought to “clarif[y] the RJA’s procedures to assure its meaningful implementation.” (Stats. 2025, ch. 721, § 1(a).) Notably, Assembly Bill 1071 did not alter the “good cause” burden of proof standard in section 745, subdivision (d). The bill did, however, add subdivision (e)(1) to section 1473 which states: “Any and all definitions and legal thresholds specified in Section 745 are controlling for purposes of claims alleging a violation of subdivision (a) of Section 745 contained within a habeas petition filed under this section.” (Stats. 2025, ch. 721, § 3.) “[T]he Legislature ‘is deemed to be aware of existing laws and judicial constructions in effect at the time legislation is enacted.’ ” (*People v. Frahs* (2020) 9 Cal.5th 618, 634.) We therefore presume the Legislature was aware of the *Young* court’s interpretation of the standard of proof for discovery under section 745, subdivision (d) when enacting Assembly Bill 1071. The Legislature’s incorporation of the “legal thresholds” in section 745 for RJA

claims raised in habeas petitions indicates its implied endorsement of *Young*'s construction of section 745, subdivision (d).

C. Writ Review is Appropriate

Castro filed a petition for writ of habeas corpus with this court raising the same RJA claims made in the petition filed with the lower court. In his petition, Castro requested we grant his motion for discovery under the RJA. We issued an order to show cause as to why this relief should not be granted.¹¹ The People aver in their return that Castro's petition should be treated as a petition for writ of mandate from the denial of his discovery motion and be granted. We agree.

Two courts of appeal have concluded, albeit with different reasoning, that a trial court's order denying a request for discovery under the RJA is not appealable. (*In re Montgomery* (2024) 104 Cal.App.5th 1062, 1071–1072, review dism. Dec. 30, 2025, S287339; *People v. Serrano* (2024) 106 Cal.App.5th 276, 292, review dism. Dec. 30, 2025, S288202.) Both courts recognized, however, that such an order may be challenged by a petition for writ of mandate. (*Serrano*, at p. 293; *Montgomery*, at p. 1076 (conc. opn. of Kelety, J.); see *In re Steele* (2004) 32 Cal.4th 682, 692 [denial of a § 1054.9 discovery motion may be challenged by a petition for writ of mandate].)¹²

¹¹ Castro's petition also requested this court: (1) take judicial notice of the transcripts contained in the appeals in *Goodson, Rhynes, and Johnson*; (2) order respondent to show cause why Castro should not obtain habeas relief under the RJA; (3) order the trial court to hold an evidentiary hearing to determine whether the Kern County District Attorney violated the RJA; and (4) grant Castro's habeas petition by reducing his murder conviction to voluntary manslaughter. In our order to show cause, we took judicial notice of the transcripts in *Goodson, Rhynes, and Johnson* but otherwise denied Castro's other requests for relief without prejudice.

¹² The *Montgomery* court also observed that where a trial court denies a petition for writ of habeas corpus, the petitioner may file a new petition for writ of habeas corpus with the court of appeal together with a renewed motion for discovery under the RJA. (*Montgomery, supra*, 104 Cal.App.5th at p. 1072, citing *Robinson v. Lewis* (2020) 9 Cal.5th 883, 895.)

We have the discretion to treat a petition for writ of habeas corpus as a petition for writ of mandate. (*People v. Picklesimer* (2010) 48 Cal.4th 330, 340; *Escamilla v. Department of Corrections & Rehabilitation* (2006) 141 Cal.App.4th 498, 509.) Writ review is appropriate where a petition raises novel legal issues of widespread interest. (*Lipton v. Superior Court* (1996) 48 Cal.App.4th 1599, 1612; *Brandt v. Superior Court* (1985) 37 Cal.3d 813, 816.) The RJA remains fairly new legislation and has been amended several times since its inception. Though laudable in its purposes, the Act has proven challenging to the courts in its implementation. (*Young, supra*, 79 Cal.App.5th at p. 147 [the RJA’s “command is simple, but the implementation is somewhat complex”].) Given there are few appellate decisions interpreting the Act thus far, “several appellate courts ... have found writ review appropriate in addressing issues raised under the [RJA].” (*Jackson v. Superior Court* (2025) 109 Cal.App.5th 372, 382; see, e.g., *McIntosh v. Superior Court* (2025) 110 Cal.App.5th 33, 46 [writ of mandate issued and matter remanded for the trial court to determine if the defendant was entitled to the appointment of counsel]; *Mosby v. Superior Court* (2024) 99 Cal.App.5th 106, 133 [writ of mandate issued, and the trial court’s order denying the petitioner a hearing vacated after the appellate court determined the petitioner met his burden and could proceed to an evidentiary hearing]; *Young*, at p. 156 [writ review appropriate to address questions of first impression including how to interpret the RJA’s discovery provision].)

Here, the parties agree without objection that Castro’s petition for writ of habeas corpus should be treated as a petition for writ of mandate. We therefore exercise our discretion to construe the petition as a petition for writ of mandate of the trial court’s denial of Castro’s RJA discovery motion and address the court’s order on the merits. (*People v. Picklesimer, supra*, 48 Cal.4th at p. 335; *People v. Payne* (1988) 202 Cal.App.3d 933, 937 [appeal from nonappealable order treated as application for writ of mandate and addressed on the merits].)

D. Standard of Review

A discovery order is generally reviewed for abuse of discretion “ ‘because management of discovery lies within the sound discretion of the trial court.’ [Citation.] We review the factual underpinnings of a discretionary determination for substantial evidence [citation], but where such a determination rests on ‘incorrect legal premises,’ our review is de novo.” (*Young, supra*, 79 Cal.App.5th at p. 156.) “The scope of discretion always resides in the particular law being applied.” (*City of Sacramento v. Drew* (1989) 207 Cal.App.3d 1287, 1297.) “ ‘ ‘ ‘If the court’s decision is influenced by an erroneous understanding of applicable law or reflects an unawareness of the full scope of its discretion, the court has not properly exercised its discretion under the law. [Citation.] Therefore, a discretionary order based on an application of improper criteria or incorrect legal assumptions is not an exercise of informed discretion and is subject to reversal.’ ” ’ ’ ’ ’ (*Gonzales, supra*, 108 Cal.App.5th Supp. at p. 55; *Sargon Enterprises, Inc. v. University of Southern California* (2012) 55 Cal.4th 747, 773.)

E. Analysis

In support of his discovery request, Castro presented statistical evidence purportedly showing the following for Kern County: (1) Hispanic people were more likely to be charged with murder than other races; (2) Hispanic people are more frequently convicted of murder than defendants of other races; and (3) Hispanic people were punished more severely for murder than defendants of other races. He also submitted a “Publicly Accessible Data Sets” report for 2017 showing arrests in Kern County for 2017 consisted of 42 percent Hispanic people, 39 percent White people, 13 percent Black people, and 6 percent other race. The People concede Castro’s statistical evidence meets the low threshold of a plausible factual foundation for discovery under the RJA. We agree.

In summarily denying Castro’s discovery motion, the trial court concluded Castro failed to present a factual foundation that a violation of the RJA could or might have

occurred. The court found Castro’s “claim of an RJA violation because he was not offered a plea deal which non-Hispanics had been offered does not support one of the four basis [*sic*] in Section 745[, subdivision](a) for an RJA violation.” The court acknowledged Castro submitted statistical evidence in support of his RJA claim but did not otherwise discuss this evidence.

“In seeking discovery [under the RJA], parties only need to show plausibility based on ‘specific facts.’ [Citation.] That showing could be met by *case*-specific facts, ... [o]r it could be met by specific statistical facts relevant to the charges and individuals involved.” (*McDaniel, supra*, 111 Cal.App.5th at p. 244.) The RJA’s language expressly “allows the possibility that defendants could attempt to rely solely on statistical evidence as proof of disparate charging.” (*Id.* at p. 242.) Specifically, “[w]hen evaluating whether prosecutors ‘more frequently sought or obtained’ convictions against individuals of certain races, section 745, subdivision (h)(1) allows defendants to rely on ‘statistical evidence, aggregate data, *or* nonstatistical evidence.’ ” (*McDaniel*, at p. 242.) “Moreover, proof of a section 745, subdivision (a)(3) violation—e.g., differences in seeking or obtaining convictions and differences in imposing sentences—calls for systemic or institutional analyses that are most likely demonstrated at least in part through statistical evidence.” (*McDaniel*, at pp. 242–243.) Consequently, “county-level data reflecting a racial disparity in charging or convictions may provide a plausible basis for asserting that an RJA violation ‘could or might have’ occurred.” (*Id.* at p. 243.)

For example, in *McDaniel* the defendant was charged with several felony offenses with various enhancements including that he committed the offenses for the benefit of, at the direction of, and in association with a criminal street gang (§ 186.22, subd. (b)(1)(C)). (*McDaniel, supra*, 111 Cal.App.5th at p. 235.) The defendant moved for RJA discovery and argued the district attorney’s office more frequently charged gang enhancements against Black defendants as compared to defendants of other races who committed similar offenses and were similarly situated. (*Ibid.*) In support of his motion, the

defendant “provided county-specific data suggestive of a disparity between the racial composition of San Mateo County and the racial composition of those charged with gang or gang enhancement charges. He also provided broader data and information to contextualize the county-specific data, as well as an expert declaration evaluating charging and incarceration rates and concluding that available data indicates ‘some actual disparity.’ ” (*Id.* at p. 245.) The trial court concluded these statistics did not provide “the requisite specific facts necessary to satisfy the threshold requirement announced in *Young*” and denied the defendant’s discovery motion. (*McDaniel*, at p. 237.)

The defendant petitioned for writ of mandate. The court of appeal found the defendant’s statistical evidence, though not definitive, “presents specific facts of actual racial disparities in gang and gang enhancement charges brought by prosecutors in San Mateo County. And those disparities are sufficient to support a *plausible* claim that gang charges *could or might* be impacted by racial bias.” (*McDaniel, supra*, 111 Cal.App.5th at pp. 245–246.) The court thus concluded the defendant had “offered sufficient evidence to demonstrate a plausible factual foundation for discovery under the RJA.” (*Id.* at p. 248.) The matter was remanded for “the trial court to engage in a discretionary weighing of the *Alhambra* factors.” (*McDaniel*, at p. 249.)

The *McDaniel* court found support for its holding in *Gonzales*. The defendant in *Gonzales* was charged with misdemeanor resisting arrest (§ 148, subd. (a)(1)). He filed an RJA discovery motion alleging a violation of section 745, subdivision (a)(3) accompanied by data and records showing a disparity in charging Latinx¹³ individuals with resisting arrest in Santa Clara County. (*Gonzales, supra*, 108 Cal.App.5th Supp. at p. 45.) The trial court denied the motion, concluding “statistical evidence alone suggesting racial disparities in charging in Santa Clara County could not establish good

¹³ The appellate division specifically used the terms Hispanic and Latinx because the defendant self-identified with both terms in his papers. (*Gonzales, supra*, 108 Cal.App.5th Supp. at p. 43, fn. 2.)

cause for disclosure of the requested information.” (*Id.* at p. 53.) The defendant sought a writ of mandate. The appellate division rejected the trial court’s conclusion that case-specific facts are required to show entitlement for RJA discovery (*id.* at p. 64) and found the defendant “offered local county data that, in itself, can provide the ‘specific facts’ required for a ‘plausible case’ for RJA discovery.” (*Id.* at p. 63.) Though the defendant’s showing was not deemed strong enough to establish a *prima facie* case of an RJA violation, the division concluded “[t]he evidence offered by [the defendant] is sufficient to fulfill his obligation to show a plausible factual foundation in support of good cause at this phase. As [the defendant] and the *Young* court note, he cannot make a more specific demonstration of any kind of RJA violation without the discovery he seeks from the People. Insisting upon such a showing at this juncture is circular. Instead, where the statistical evidence [the defendant] has presented supports an inference that Latinx people may have been disproportionately charged with resisting arrest and that non-Latinx people who were similarly situated by engaging in similar conduct may have been treated more leniently by not being so charged, this is sufficient to show that an RJA violation could or might have occurred.” (*Gonzales*, at p. 66.)

Like the defendants in *McDaniel* and *Gonzales*, Castro submitted county-level statistics in support of his request for RJA discovery. The statistical evidence Castro provided suggests Hispanic defendants in Kern County were more likely to be charged with and convicted of murder, and to face longer sentences for murder than White defendants. As the People concede, this evidence suggests disparate treatment of Hispanic defendants compared to White defendants in Kern County and established a plausible factual foundation that a violation of the RJA could or might have occurred. The trial court therefore erred in finding Castro failed to meet his burden to meet the low standard for discovery in *Young*.

As in *McDaniel* and *Gonzales*, Castro alleged a violation of the RJA for disparate charging under section 745, subdivision (a)(3) but, in addition, Castro alleged a violation

for disparate sentencing under section 745, subdivision (a)(4)(A). (*McDaniel, supra*, 111 Cal.App.5th at p. 235; *Gonzales, supra*, 108 Cal.App.5th Supp. at p. 43.) That the RJA allegations in the instant case differ somewhat does not affect our disposition because “a defendant moving for disclosure need not isolate the asserted basis for the potential violation under section 745, subdivision (a) to show a plausible factual foundation.” (*Gonzales*, at p. 60.) “The four numbered subparts within section 745, subdivision (a) do not describe independent ‘violations’ of the statute. Rather, they describe different means of proving that the state exercised its criminal sanctions power ‘on the basis of race, ethnicity, or national origin’ in violation of section 745, subdivision (a).... Within this broad scheme, which covers every stage of the prosecutorial process—from investigation through charging, trial, conviction, and sentencing—defendants may pursue different theories supported by different kinds of proof.” (*Young, supra*, 79 Cal.App.5th at pp. 163–164; see *Bonds v. Superior Court* (2024) 99 Cal.App.5th 821, 830–831 (*Bonds*) [§ 745, subd. (c)(1) makes no distinction between the various subparts of § 745, subd. (a), so there is no basis to say that such evidence is only admissible to prove certain types of violations but not others].)

The procedural posture differences between this case and *McDaniel* and *Gonzales* are likewise immaterial, particularly considering relevant legislative action after the trial court’s order here. The defendants in *McDaniel* and *Gonzales* had only been charged with offenses while Castro has already been convicted and sentenced and thus pursued his RJA claim through a petition for writ of habeas corpus. At the time of the trial court’s order denying Castro’s discovery motion, the courts of appeal had issued conflicting opinions on whether a habeas petitioner could obtain discovery to pursue an RJA claim before making a showing of good cause for relief. (Compare *In re Montgomery, supra*, 104 Cal.App.5th at p. 1072 [concluding a petitioner is not entitled to discovery in that situation] with *People v. Serrano, supra*, 106 Cal.App.5th at pp. 288–290 [reaching the opposite conclusion].)

The Legislature has since made clear that a habeas petitioner may obtain RJA discovery before making a showing of good cause for relief. Specifically, Assembly Bill 1071 amended section 745, subdivision (d) to specify that discovery for an RJA violation may be sought “[i]n any proceeding alleging a violation of subdivision (a).” The statute was further amended to expressly state this includes a discovery motion filed under section 1473, subdivision (e). (§ 745, subd. (d), as amended by Stats. 2025, ch. 721, § 2.) Assembly Bill 1071 also amended section 1473 to provide that a habeas “petitioner, or their counsel, may file a motion for relevant evidence under subdivision (d) of Section 745 upon the prosecution of a petition under [section 1473, subdivision (e)] *or in preparation to file a petition.*” (§ 1473, subd. (e)(2), italics added.) In other words, a defendant may obtain RJA discovery even if he or she has not yet made a prima facie showing of relief in a petition for writ of habeas corpus.

In denying Castro’s discovery motion, the trial court concluded Castro’s claim he was not offered a plea deal which non-Hispanic defendants had been offered is not a violation of the RJA. The court concluded the RJA “only addresses disparate treatment in charging, convictions and sentences,” and contains “no mention of any attempt to address disparate treatment in plea offers.”

Strictly speaking, the trial court is correct that section 745, subdivision (a) does not expressly identify disparate treatment in plea bargaining as a violation of the RJA.¹⁴

¹⁴ We note legislation is pending to amend the RJA to “[e]xpressly” include negotiations and plea outcomes in RJA disparity claims. (Assem. Com. on Appropriations, Rep. on Assem. Bill No. 1958 (2025–2026 Reg. Sess.) as amended Mar. 25, 2026, p. 1.) One of the reported purposes of this pending legislation is to clarify the Act’s scope: “[Assembly Bill 1958] confirms that RJA claims extend to plea negotiations, plea outcomes, diversion, and other alternative dispositions in adult and juvenile court, and that disparity claims may be brought in connection with bench trials. *The sponsor’s position is that these stages of criminal proceedings are already within the RJA’s intended reach* and that the bill codifies that scope to prevent narrow interpretations from foreclosing claims.” (*Id.* at p. 3, italics added.) Assembly Bill 1958 did not pass a third reading in the Assembly.

But the question posed by Castro’s discovery motion is whether he has shown good cause for disclosure “of *all evidence relevant to a potential violation of subdivision (a)* in the possession or control of the state.” (§ 745, subd. (d), italics added.) In categorically rejecting Castro’s allegations regarding racially disparate plea bargaining, the court “disregards the critical role prosecutorial discretion plays in making charging decisions and negotiating dispositions” through plea bargaining. (*People v. Morgan* (2023) 87 Cal.App.5th 858, 867.)

A plea bargain is an agreement negotiated between a prosecutor and a defendant and approved by the court. Generally, a defendant agrees to plead guilty or no contest in exchange for which the prosecution agrees to dismiss or reduce the charges. (*People v. Segura* (2008) 44 Cal.4th 921, 929–930.) “Plea negotiations and agreements are an accepted and ‘integral component of the criminal justice system’ ” (*id.* at p. 929) as “criminal justice today is for the most part a system of pleas, not a system of trials” (*Lafler v. Cooper* (2012) 566 U.S. 156, 170).¹⁵ Indeed, most criminal convictions result from plea deals as scholars estimate about 90 to 95 percent of both federal and state cases are resolved through plea bargaining.¹⁶ This holds true for California as plea bargaining

¹⁵ See Subramanian et al., *In the Shadows: A Review of the Research on Plea Bargaining* (Sept. 2020) Vera Institute of Justice, page 6 [“Plea bargaining is the de facto system of justice in America.”] <<https://www.vera.org/publications/in-the-shadows-plea-bargaining>> [as of June 1, 2026], archived at <<http://perma.cc/QY8M-TRM5>> (Subramanian).

¹⁶ Devers, *Plea and Charge Bargaining* (2011) Bureau of Justice Assistance, page 1 <<https://www.google.com/url?client=internal-element-cse&cx=015849196504226064512:zzzhcfq9wdt&q=https://bja.ojp.gov/sites/g/files/xyckuh186/files/media/document/PleaBargainingResearchSummary.pdf&sa=U&ved=2ahUK EwiA6NO7gKiUAxX-KEQIHdb2ODMQFnoECAkQAQ&usg=AOvVaw3z49SkjZtp1H18z-rKQSRE&fexp=121636677,121636678>> [as of June 1, 2026], archived at <<http://perma.cc/25RA-Z3D8>> (Devers); see *In re Chavez* (2003) 30 Cal.4th 643, 654, footnote 5 [judgments based upon plea agreements “represent the vast majority of felony and misdemeanor dispositions in criminal cases”].

“accounts for almost all convictions” in our state. (Com. on Revision of the Pen. Code, Annual Report and Recommendations (2023) p. 53.)

<https://clrc.ca.gov/CRPC/Pub/Reports/CRPC_AR2023.pdf> [as of June 1, 2026], archived at <<http://perma.cc/ZTZ5-RMUA> (CRPC Report).)

“The charging function is the sole province of the executive.” (*People v. Clancey* (2013) 56 Cal.4th 562, 574.) “The prosecution of criminal offenses on behalf of the People is the sole responsibility of the public prosecutor.” (*Dix v. Superior Court* (1991) 53 Cal.3d 442, 451.) “The district attorney of each county is the public prosecutor, vested with the power to conduct on behalf of the People all prosecutions for public offenses within the county. (Gov. Code, § 26500; *Hicks v. Board of Supervisors* (1977) 69 Cal.App.3d 228, 240.) Subject to supervision by the Attorney General (Cal. Const., art. V, § 13; Gov. Code, § 12550), therefore, the district attorney of each county independently exercises all the executive branch’s discretionary powers in the initiation and conduct of criminal proceedings.” (*People v. Eubanks* (1996) 14 Cal.4th 580, 589.) In exercising these powers, “[t]he prosecutor ordinarily has sole discretion to determine whom to charge, what charges to file and pursue, and what punishment to seek.” (*Dix*, at p. 451; *People v. Lopez* (2020) 9 Cal.5th 254, 276 [“ ‘[P]rosecuting authorities, exercising executive functions, ordinarily have the sole discretion to determine whom to charge with public offenses and what charges to bring.’ ”].) Part and parcel of the prosecutor’s charging discretion is the exclusive authority to “decide[] whether to engage in negotiations with the defense by which a more lenient disposition of the charges can be secured without trial.” (*Clancey*, at p. 574.) Only the prosecutor has “the power to negotiate a plea bargain.” (*People v. Superior Court (Greer)* (1977) 19 Cal.3d 255, 267, overruled on another ground by statute as stated in *Stark v. Superior Court* (2011) 52 Cal.4th 368, 415; *Clancey*, at p. 570 [the trial court cannot engage in judicial plea bargaining “[b]ecause the charging function is entrusted to the executive”]; *People v. Orin* (1975) 13 Cal.3d 937, 943 [the trial court may not engage in judicial plea

bargaining].)

Despite plea bargaining's prevalence in our criminal justice system, "defendants have 'no right to be offered a plea.'" (*Lafler v. Cooper*, *supra*, 566 U.S. at p. 168.) Because "there is no constitutional right to plea bargain[,] the prosecutor need not do so if he prefers to go to trial." (*Weatherford v. Bursey* (1977) 429 U.S. 545, 561; Levenson & Ricciardulli, *Cal. Criminal Procedure* (The Rutter Group 2025) § 14:13 ["The prosecutor has no obligation to engage in bargaining with the defendants."].) But given the prosecutor's exclusive authority to negotiate a plea, the prosecution effectively exercises its charging discretion in deciding whether to offer a plea to a defendant. In other words, the prosecution's selection of which defendants to offer a plea cannot be divorced from their charging decisions.

The trial court concluded that "even if" the RJA provided for relief for disparate treatment in plea offers, Castro had failed to make a prima facie showing of an RJA violation. The court opined that the decision to present a plea offer "reflects features of the case itself, including the degree of aggravation and the strength of evidence." The court then discussed the evidence against Castro compared to the three cases Castro cited—*Johnson*, *Rhynes*, and *Goodson*—and concluded the evidence in those cases was "significantly weaker" than the "very strong" evidence in Castro's case. The court based this conclusion on the unpublished opinions for the three cited cases, as well as the abstract of judgment for *Johnson*, the crime report for *Rhynes*, and the rap sheet for *Goodson*.

Setting aside whether Castro made a prima facie showing of an RJA violation, an issue we expressly do not reach, we question the trial court's conclusion the plea deals offered in *Johnson*, *Rhynes*, and *Goodson* are necessarily explained by race-neutral considerations. To be sure, the strength of the evidence against a defendant is a

reasonable factor for a prosecutor to consider in deciding whether to offer a plea deal.¹⁷ But studies have found plea bargaining can exacerbate racial disparities in the criminal justice system. (CRCP Report, *supra*, at p. 57.)¹⁸ This does not reflect explicit bias on the prosecutor’s part but rather implicit bias.¹⁹ Even if a district attorney’s office did not intentionally discriminate in exercising its charging discretion through plea bargaining, the defendant “does not need to prove intentional discrimination” to show a violation of the RJA. (§ 745, subd. (c)(2).) This is because the RJA “was enacted to address much more than purposeful discrimination based on race. Indeed, the primary motivation for the legislation was the failure of the judicial system to afford meaningful relief to victims of unintentional but *implicit* bias. In an uncodified section of Assembly Bill No. 2542 (2019–2020 Reg. Sess.), the Legislature explained, ‘Implicit bias, *although often unintentional and unconscious*, may inject racism and unfairness into proceedings similar

¹⁷ See American Bar Association Standards for Criminal Justice (4th ed. 2017) standard 3-4.4 [identifying strength of the case as the first of several factors to consider in whether to plea bargain] <https://www.americanbar.org/groups/criminal_justice/resources/standards/prosecution-function/> [as of June 1, 2026], archived at <<http://perma.cc/2Z9S-GU6S>>; see also § 1192.7, subd. (a)(2) [prohibiting plea bargaining for certain offenses “unless there is insufficient evidence to prove the [P]eople’s case”].

¹⁸ See Devers, *supra*, at p. 3 [“[s]tudies have generally found a relationship between race and whether or not a defendant receives a reduced charge”]; Subramanian, *supra*, at p. 24 [“several studies have found that people of color are often treated less favorably than [W]hite people during the plea bargain process”]; Johnson, *Plea Bargain Task Force Report*, American Bar Association: Criminal Justice Section (2023), page 7 [plea bargaining promotes and exacerbates existing racial inequality in the criminal system] <https://www.americanbar.org/groups/criminal_justice/about/initiatives/plea-bargaining/> [as of June 1, 2026], archived at <<http://perma.cc/7SAD-3Y3F>>.

¹⁹ Berdejó, *Criminalizing Race: Racial Disparities in Plea-Bargaining* (2018) 59 B.C. L.Rev. 1187, 1198–1199, 1231, 1240–1241; Kutateladze, Andiloro & Johnson, *Opening Pandora’s Box: How Does Defendant Race Influence Plea Bargaining?* (2016) 33 Justice Quarterly 398, 419–420; Smith & Levinson, *The Impact of Implicit Racial Bias on the Exercise of Prosecutorial Discretion* (2012) 35 Seattle U. L.Rev. 795, 816–818.

to intentional bias. The intent of the Legislature is not to punish this type of bias, but rather to remedy the harm to the defendant's case and to the integrity of the judicial system.' (Stats. 2020, ch. 317, § 2, subd. (i), italics added [uncodified].)" (*Bonds, supra*, 99 Cal.App.5th at p. 828.)

Based on Castro's statistical evidence indicating disparate charging for murder in Kern County and the potential for bias in plea bargaining, we cannot say with conviction the plea deals offered in *Johnson*, *Rhynes*, and *Goodson* are attributable solely to race-neutral factors. We are not, however, persuaded three cases standing alone would entitle Castro to RJA discovery as they do not constitute county-level data. Rather, we take issue with the trial court's failure to consider the totality of the evidence presented by Castro and how plea bargaining could be affected by prosecutorial bias, whether explicit or implicit. Section 745, subdivision (h)(1) provides that: "In evaluating the totality of the evidence, the court shall consider whether systemic and institutional racial bias, racial profiling, and historical patterns of racially biased policing and prosecution may have contributed to, or caused differences observed in, the data or impacted the availability of data overall. Race-neutral reasons shall be relevant factors to charges, convictions, and sentences that are not influenced by implicit, systemic, or institutional bias based on race, ethnicity, or national origin."

Even the *McCleskey* court recognized, " 'the power to be lenient [also] is the power to discriminate.' " (*McCleskey, supra*, 481 U.S. at p. 312.) Concomitant with the prosecutor's exclusive charging authority is the power to discriminate, even unintentionally, in deciding which defendants to offer a plea deal. (*Bonds, supra*, 99 Cal.App.5th at p. 829 ["implicit bias is, by definition, *unintentional* and *unconscious*"].) Evidence showing a district attorney's office offered more favorable plea deals, even unintentionally, to defendants of another race, ethnicity, or national origin that committed similar offenses and were similarly situated to the defendant could thus be probative of an RJA violation. Disclosure of such evidence is also consistent with the RJA's purposes

and reasonably directed at effectuating the RJA’s intent to eliminate racial bias in our criminal justice system, particularly given the widespread use of plea bargaining to resolve criminal cases.

We emphasize that while evidence regarding plea bargaining may thus be relevant to a violation of the RJA, the trial court retains the discretion to determine the scope of discovery for an RJA claim. As the *Young* court observed, “the trial court has ample discretion to manage where the discovery-relevance boundary lies.” (*Young, supra*, 79 Cal.App.5th at p. 160.) The RJA also provides specific tools for the court to tailor the scope of discovery including the authority to “permit the prosecution to redact information prior to disclosure.” (§ 745, subd. (d).)

In sum, the trial court’s denial of Castro’s discovery motion reflects an overly narrow view of the requisite showing for RJA discovery that is inconsistent with *Young* and the RJA itself. “The expressed purpose and scope of the RJA to provide broader relief for racial discrimination in the criminal justice system than is available under federal equal protection principles extends to providing a defendant access to information, including statistical data, with which to pursue relief.” (*Gonzales, supra*, 108 Cal.App.5th Supp. at p. 56; Stats. 2020, ch. 317, § 2(j) [RJA’s purpose is “to ensure that individuals have access to all relevant evidence” in pursuing an RJA claim].) Accordingly, the threshold showing for good cause is intended to be “broad and flexible.” (*Young, supra*, 79 Cal.App.5th at p. 160.) In uncodified findings²⁰ to Assembly Bill 1071, the Legislature lamented “cases where courts have imposed on RJA petitioners higher burdens than the Legislature intended to meet the thresholds to secure counsel and discovery.” (Stats. 2025, ch. 721, § 1(b).) The Legislature “intends that individuals must

²⁰ “Because uncodified findings of legislative intent are voted upon by the entire legislative body, enrolled and signed by the Governor, they may be entitled to somewhat greater weight than traditional legislative history materials (e.g., draft language of bills, committee reports, bill analyses).” (*Young, supra*, 79 Cal.App.5th at p. 157.)

be afforded access to a broad range of relevant discovery to develop and support their potential RJA claims. Otherwise, they are left in the impossible position of having their claims rejected for want of the very data they seek. This is antithetical to the RJA.” (*Ibid.*) The Legislature gave a full-throated endorsement to Justice Liu’s dissenting statement in *In re Mendoza* (Dec. 18, 2024, S287251) [2024 Cal. LEXIS 7082] (dis. stmt. of Liu, J.) as “accurately articul[at]ing the Legislature’s intent in passing the RJA and concern about its silent evisceration.” (Stats. 2025, ch. 721, § 1(a).) We will not perpetuate that silent evisceration by barring Castro from obtaining discovery he is entitled to under section 745, subdivision (d).

F. Remand is Required

Though Castro has made the threshold showing of a plausible factual foundation for discovery, the appropriate scope of his discovery request must still be determined. The People assert, and Castro agrees, the matter should be remanded for the parties to develop the record on the *Alhambra* factors and to permit the trial court to consider those factors in the first instance.

We agree with the parties that remand is warranted to permit the trial court to address the *Alhambra* factors and further develop the record as warranted. (See *McDaniel, supra*, 111 Cal.App.5th at p. 249, fn. 9 [remand appropriate for the trial court to consider the *Alhambra* factors because the parties did not address, and the trial court did not reach, that issue].) Even where a defendant “meets the threshold standard for entitlement to discovery ... set forth in [*Young*], how much of this requested data may be ordered disclosed, when, and in what form, is for the trial court to consider, in an exercise of its discretion, weighing probative value against burden.” (*Young, supra*, 79 Cal.App.5th at p. 169.) “In considering whether [Castro’s] requests for disclosure may give rise to relevant evidence, the trial court must determine whether they are ‘reasonably calculated to lead to discovery of admissible evidence probative of a section 745, subdivision (a) violation.’ [Citation.] The trial court may consider, among other factors,

whether the requests are reasonably calculated to produce evidence of cases involving similarly situated individuals and similar conduct.” (*McDaniel*, at p. 248.)

DISPOSITION

Let a peremptory writ of mandate issue directing respondent superior court to vacate its order denying Castro’s motion for discovery under the Racial Justice Act and conduct further proceedings consistent with this opinion.

HARRELL, J.

WE CONCUR:

PEÑA, Acting P. J.

DESANTOS, J.