

OCT - 1 2025

Jorge Navarrete Clerk

S290533

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Deputy

**IN THE SUPREME COURT OF CALIFORNIA**

**En Banc**

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In re ROGER TEDI EDWARDS on Habeas Corpus.

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The petition for writ of habeas corpus has been read and considered. Petitioner contends, among other claims, that he is entitled to relief under the Racial Justice Act of 2020. (Pen. Code, § 745.) In this respect, petitioner alleges that the judge, an attorney, a law enforcement officer, an expert, or a juror in the case exhibited bias or animus toward petitioner because of petitioner's race; during in-court trial proceedings, the judge, an attorney, a law enforcement officer, an expert, or a juror used racially discriminatory language about petitioner's race, ethnicity, or national origin; he 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; prosecutors in San Diego County more frequently sought or obtained convictions for more serious offenses against people who share his race, ethnicity, or national origin; he received a longer or more severe sentence compared to similarly situated individuals convicted of the same offense and longer or more severe sentences were more frequently imposed for the same offense on defendants who share petitioner's race, ethnicity, or national origin in San Diego County; 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 San Diego County.

The petition does not satisfy the statutory requirements for the appointment of counsel under the Racial Justice Act. (Pen. Code, § 1473, subd. (e) [providing for the appointment of counsel for an indigent petitioner who alleges facts that would establish a violation of the Racial Justice Act].) The request for counsel is denied.

Petitioner "has not established a prima facie showing of entitlement to relief" under the Racial Justice Act at this time. (Pen. Code, § 1473, subd. (e).) Petitioner fails to allege particularized facts that support his claims based on alleged exhibitions of racial bias or that support a claim that petitioner was charged, convicted, or sentenced in a more severe manner than similarly situated individuals of other races, ethnicities, or national origins. (*Id.*, § 745, subd. (a)(1)-(4).) Nor does petitioner describe or attach supporting documentary evidence concerning these claims.

Petitioner also seeks disclosure of discovery under the Racial Justice Act to obtain evidence supporting his claims. (See Pen. Code, §§ 745, subd. (d), 1473, subd. (e).) We granted review in *In re Montgomery*, S287339 (*Montgomery*) to consider issues related to discovery requests under the Racial Justice Act. Because our resolution of the issues presented in *Montgomery* may affect the availability of discovery under the Racial Justice Act, which may in turn affect the ability of a petitioner to plead claims under that statute, the petition for writ of habeas corpus and discovery request are denied without prejudice to any relief to which petitioner might be entitled after this court decides *Montgomery*. (See Pen. Code, § 1473, subd. (e) ["A petition raising a claim [under the Racial Justice Act] on the basis of new discovery provided by the state or other new evidence that could not have been previously known by the petitioner with due diligence, shall not be deemed a successive or abusive petition"].)

**GUERRERO**

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*Chief Justice*