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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

THE PEOPLE, Plaintiff and Respondent, v. JAMALL EARL ADAMS, Defendant and Appellant.	E084279 (Super.Ct.No. RIF1101774) OPINION

APPEAL from the Superior Court of Riverside County. Jennifer R. Gerard, Judge. Dismissed.

Raymond M. DiGuiseppe, under appointment by the Court of Appeal, for Defendant and Appellant.

Rob Bonta, Attorney General, Lance E. Winters, Chief Assistant Attorney General, Charles C. Ragland, Assistant Attorney General, Steve Oetting and Kristen Ramirez, Deputy Attorneys General, for Plaintiff and Respondent.

Jamall Earl Adams appeals from the trial court's postjudgment order denying his motion under the California Racial Justice Act of 2020 (RJA). (Pen. Code, § 745;

unlabeled statutory citations refer to this code.) The order is not appealable, so we dismiss the appeal.

BACKGROUND

In 2011, a jury convicted Adams of assault by means likely to produce great bodily injury. (§ 245, subd. (a)(1).) The trial court sentenced him to 25 years to life pursuant to the three strikes law (§ 667, subd. (e)(2)(A)), plus three years for inflicting great bodily injury (§§ 12022.7, subd. (a), 1192.7, subd. (c)(8)), plus five years for a prior serious felony conviction (§ 667, subd. (a)). The court also imposed an additional one year for a prior prison term and ordered that it run concurrently. (§ 667.5, subd. (b).) In 2020, after receiving a letter from the California Department of Corrections and Rehabilitation informing the court that the prior prison term enhancement should have been "consecutive," "stricken[,] or stayed," the court struck the one-year enhancement.

In 2024, Adams filed a motion in the superior court seeking relief under the RJA. (§ 745.) He alleged that while he was in "the Riverside jail," he was "deprived of psychiatric medications" and "provo[ked] by a male, [which] resulted in assault." He claimed that "[o]fficer's commented [that] 'this is a result of stupid black gang members.'" He alleged that the officers who transported him to court said that "'society is better off without gang member bullshit'" and that "[t]hroughout [his] detention, jail staff made numerous comments that 'we should be allowed to take all you niggers out and shoot you.'" He claimed that "[j]ail staff" made it "clear to [him] that being black was undesirable to the jail and court custodial officers, who made numerous comments regarding their dislike of blacks." He also claimed that the "state dispatched theory that

because [he] lived in gang area that [he] must have acted in a gang manner, instead of just defending [him]self," and he alleged that "Blacks in the Riverside jurisdiction were treated as animals."

According to the minute order from an ex parte proceeding in May 2024, the trial court "read and considered [Adams's] Racial Justice Act motion," and it set a hearing on the motion for the following month. In June 2024, at a subsequent ex parte proceeding, the court "re-considered its finding that [Adams] made a prima facie showing [for] relief pursuant to PC 745," and the court entered an order vacating its prior order "finding a prima facie showing and denie[d] the motion."

DISCUSSION

Adams argues that he made a prima facie showing under section 745 and that he is therefore entitled to an evidentiary hearing. After Adams filed his opening brief, the People filed a motion to dismiss the appeal because the order denying Adams's motion is not appealable. Adams filed a written opposition. We agree with the People.

Pursuant to section 745, a defendant "whose judgment is already final [is] permitted to bring a Racial Justice Act claim only in (1) a petition for writ of habeas corpus pursuant to section 1473 (for incarcerated defendants), or (2) a motion under section 1473.7 (for defendants who are no longer in criminal custody)." (*People v. Hodge* (2024) 107 Cal.App.5th 985, 1000.) Because Adams filed his motion in 2025, long after his judgment became final in 2013, his motion was not authorized, and the court lacked jurisdiction to grant it. (*Id*. at p. 999.) The denial of the motion consequently did not affect Adams's substantial rights, and it is therefore not an

appealable order. (§ 1237, subd. (b); *People v. Faustinos* (2025) 109 Cal.App.5th 687, 694.) And even if we were to construe Adams's RJA motion as a petition for writ of habeas corpus, the trial court's order denying it still would not be appealable. (*Hodge*, at p. 1000, fn. 5.)

Adams directs our attention to Assembly Bill No. 1118 (Stats. 2023, ch. 464, § 1), which amended subdivision (b) of section 745 so that "instead of providing that '[a] defendant may file a motion *in the trial court or*, *if judgment has been imposed*, may file 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 statute "now 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).'" Adams argues that as a consequence of that amendment, "the operative statutory language no longer suggests (much less compels) that a defendant should 'file a petition for writ of habeas corpus or a motion under Section 1473.7' simply because 'judgment has been imposed.'" The argument is meritless.

Adams's interpretation of subdivision (b) of section 745 is unreasonable when considered in light of subdivision (j). When the RJA became effective in 2020, it applied only prospectively to cases in which there was no final judgment. (Stats. 2020, ch. 317, § 3.5) In 2022, the Legislature extended the statute "to additional categories of cases, effective at various points over the next several years." (*People v. Wilson* (2024) 16 Cal.5th 874, 946 (*Wilson*).) The RJA initially prioritized cases in which the judgment

was not final (§ 745, subd. (j)(1)) over all other cases, followed by cases in which the defendant was sentenced to death (*id*., subd. (j)(2)) or faced actual or potential adverse immigration consequences and the defendant filed a motion pursuant to section 1473.7 (§ 745, subd. (j)(2)), and then by cases for defendants whose judgments are final and who are currently incarcerated, with staggered effective dates over several years. (*Id*., subd. (j)(3)-(5).) Thus, pursuant to subdivision (j) of section 745, because Adams is incarcerated and his judgment has long been final, section 745 is not applicable to Adams's case unless he files a habeas petition pursuant to subdivision (e) of section 1473. (See § 745, subds. (j)(4)-(j)(5).) We therefore see no way to reconcile subdivision (j) of section 745 with Adams's interpretation of subdivision (b), according to which an incarcerated defendant with a final judgment can seek relief under the RJA by filing a motion instead of a habeas petition.

Adams also contends that the case law supports his interpretation of the statutory scheme because the case law makes no "distinction that limits or recognizes a limitation for defendants whose judgments are already final." The argument lacks merit. The cases that Adams cites, *People v. Howard* (2024) 104 Cal.App.5th 625, *People v. Singh* (2024) 103 Cal.App.5th 76, and *Wilson*, *supra*, 16 Cal.5th 874, are cases in which the defendants' judgments were not yet final. They therefore do not tell us anything about whether an incarcerated defendant with a final judgment can seek relief under the RJA by filing a motion instead of a habeas petition.

Finally, Adams argues that the legislative history "[c]onfirms the appealability of postjudgment orders like the one at issue here." He contends that "[w]hile the *Wilson*

Court focused on the Legislature's 'clarifi[cation] that defendants may seek to invoke a stay-and-remand procedure . . . where appropriate to enable an individual with a pending, as-yet-unadjudicated appeal to return to superior court to pursue statutory resentencing or similar alternative relief under newly enacted ameliorative criminal laws' [citation], the deletion of the language 'if judgment has been imposed' importantly clarified that a habeas petition is not 'the exclusive avenue for a post-conviction RJA challenge.'" The argument is meritless because, as already explained, subdivisions (j)(2) through (j)(5) of section 745 require that an incarcerated defendant with a final judgment must file a habeas petition, not a motion, in order to seek relief under the RJA. Under subdivision (j), section 745 is not even applicable to such defendants unless they file habeas petitions.

DISPOSITION

The appeal is dismissed.

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MENETREZ
J.

We concur:

McKINSTER
Acting P. J.

FIELDS
J.