H10662
OHC
Order on Writ of Habeas Corpus Filed
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FILED
ALAMEDA COUNTY
FEB 09 2026
CLERK OF THE SUPERIOR COURT
By
DEPUTY

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF ALAMEDA

In re FRANKLIN LYNCH on Habeas Corpus.	No. H10662 ORDER ON PETITION FOR WRIT OF HABEAS CORPUS

On November 5, 2025, this court issued an Order to Show Cause on two claims in the above-captioned Petition for Writ of Habeas Corpus: an equal protection claim alleging the discriminatory use of peremptory strikes in jury selection (Claim 1a), and a claim alleging the use of racially discriminatory language at trial in violation of subdivision (a)(2) of Penal Code Section 745, the California Racial Justice Act ("RJA"; Claim 1b).

In a letter to the court dated February 4, 2026, Respondent the Alameda County District Attorney, on behalf of the People of the State of California, conceded that Petitioner was entitled to relief on his RJA claim, and that the People were unable to prove beyond a reasonable doubt that the use of racially discriminatory language at Petitioner's trial did not contribute to the judgment against him. (See Pen. Code §745, subd. (k).) The People requested that the court vacate the conviction and sentence, find that it is legally invalid, and order new proceedings consistent with subdivision (a) of Section 745. Petitioner, in a filing dated February 5, concurs in substance with the Respondent's position and recommended course of action.

Based upon the People's concession and request, and Petitioner's response, the court GRANTS Claim 1b of the Petition.[1] The court hereby VACATES Petitioner's conviction and sentence in case number H10662, finding that it is legally invalid. (Pen. Code §745, subd. (e)(2)(A).)

The court orders Petitioner to appear (by video; counsel to prepare an order; alternatively, counsel may waive Petitioner's appearance) at **9:00 a.m.,** on **February 19, 2026,** in **Department 13** of this court, for a status hearing. After this hearing, the California Department of Corrections and Rehabilitation shall remand Petitioner into the custody of the Sheriff of Alameda County pending further proceedings. (Pen. Code §1493.) This order does not grant Petitioner's discharge or release. (Pen. Code §1506; *People v. Bilbrey* (2018) 25 Cal.App.5th 764.)

IT IS SO ORDERED.

DATED: February 9, 2026

HON. THOMAS E. STEVENS
JUDGE OF THE SUPERIOR COURT

SERVICE

The Clerk of the Court shall file this Order and serve a copy upon the following entities and persons (email service as indicated):

District Attorney's Office, c/o DDA Emily Tienken, Counsel for Respondent	Emily.Tienken@acgov.org
Attorney John R. Mills, Counsel for Petitioner	jmills@phillipsblack.org
California Department of Corrections and Rehabilitations, Centinela State Prison (Re: Lynch, Franklin, CDCR # H34201)	P.O. Box 731, Imperial, CA 92251-0731

[1] The court agrees with the parties that, given the People's concession on Claim 1b, further adjudication of Claim 1a is unnecessary; that claim is now (or soon will be) moot.

CLERK'S CERTIFICATE OF MAILING
(CCP 1013a)

I certify that the following is true and correct: I am a Deputy Clerk employed by the Alameda County Superior Court. I am over the age of 18 years and not a party to this cause. My business address is 1225 Fallon Street, Oakland, CA 94612. I served this Order on Petition for Writ of Habeas Corpus re: Franklin Lynch via electronic service or by placing copies in envelopes addressed as shown below and then by sealing and placing them for collection, stamping or metering with prepaid postage, and mailing on the date stated below, in the United States mail at Alameda County, California, following standard court practices.

Attorney John R. Mills Counsel for Petitioner jmills@phillipsblack.org	Alameda County District Attorney's Office Counsel for Respondent Emily.tienken@acgov.org
California Department of Corrections and Rehabilitations Franklin Lynch CDCR#H34201 Centinela State Prison P.O. Box 731 Imperial, CA 92251-0731	

Date: February 11, 2026

Chad Finke
Executive Officer/Clerk of the Superior Court

By _____

Nora Becerra, Deputy Clerk