

No. S295901

IN THE SUPREME COURT
OF THE STATE OF CALIFORNIA

ATTORNEY GENERAL OF THE STATE OF CALIFORNIA

Petitioner,

vs.

CHAD BIANCO, RIVERSIDE COUNTY SHERIFF; THE
RIVERSIDE COUNTY SHERIFF'S DEPARTMENT;
SUPERIOR COURT OF CALIFORNIA, COUNTY OF
RIVERSIDE

Respondents.

DECLARATION OF ROBERT H. TYLER IN SUPPORT OF
RESPONDENT'S ANSWER TO PETITION FOR REVIEW
AND EMERGENCY STAY OR EQUIVALENT INTERIM
RELIEF REQUESTED

MAY NOT BE EXAMINED WITHOUT COURT ORDER-
CONTAINS MATERIAL FROM SEALED RECORD

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Attorneys for *Respondent Chad Bianco*
Riverside County Sheriff

April 1, 2026

I, Robert H. Tyler, the undersigned declared as follows:

1. I am over the age of eighteen years, a licensed attorney in good standing with the California State Bar and am licensed to practice in California. I make this declaration based upon my personal knowledge and if called and sworn as a witness, I could and would testify competently thereto.

2. I represent Sheriff Chad Bianco in his official capacity as the Sheriff of the Riverside County Sheriff's Department.

3. The Attorney General filed for a Writ of Madate against Sheriff Bianco in the Riverside Superior Court on March 26, 2026. (See Notice of Lodgment¹, Exhibit A, *Bonta v. Bianco*, Riverside County Superior Court, Case No. CVRI2601580.) The Attorney General additionally filed for an ex parte request that the briefing schedule be expedited wherein the Attorney General sought for the court to have the opening brief and the answering briefs filed this week. (See Ex. B.) The ex parte hearing set for March 30, 2026, at 8:30 AM was continued to April 2, 2026, at 8:30 AM.

4. The Attorney General filed this Petition for Review requesting immediate relief when asking for essentially the same relief in the Riverside County Superior Court. It is obvious that the Attorney General need not ask this Court or the court of appeal to take original jurisdiction when the Attorney General can seek the same relief in the Riverside County Superior Court.

¹ The Notice of Lodgment is filed concurrently with this declaration. All references to exhibits are to the exhibits in the Notice of Lodgment.

5. The Attorney General argued in the ex parte motion before the superior court that the Sheriff is not complying with “the Attorney General’s supervisory orders relating to their investigation of the November 2025 Special Election in Riverside County.” (See Ex. B.) The Attorney General further argued that “[g]iven Respondents’ open and continuing defiance, the Attorney General will continue to suffer immediate and irreparable harm if his Petition for Writ of Mandate is not considered on an expedited basis.” (*Id.*) For the reasons stated in this declaration, those assertions are false. Furthermore, there is no necessity for this Court to grant review when Sheriff Bianco has already committed to maintaining the status quo.

6. The Sheriff’s Department received two warrants from Judge Jay Kiel who is currently assigned to Department 32 at the Hall of Justice in Riverside Superior Court.² The warrants were for records at the Riverside County Registrar of Voters. Judge Kiel’s warrants expressly direct the Sheriff’s Department: “YOU ARE COMMANDED TO SEARCH: [LOCATION OMITTED] FOR THE FOLLOWING PROPERTY OR PERSON: [INTENTIONALLY OMITTED] ... AND TO SEIZE IT IF FOUND and bring it forthwith before me....”

7. Thereafter, the Sheriff received correspondence from the Attorney General dated February 26, 2026, ordering him to (1) “preserve all ballots, documents, or other materials that have been

² Judge Kiel order the warrants be sealed. Therefore, those warrants are not included as exhibits.

seized by your office to date; and (2) pause further action....” (See Ex. G.) The Sheriff sought legal counsel from County Counsel but was instructed to find outside counsel as County Counsel also represents the Registrar of Voters.

8. The Sheriff then received a letter from the Attorney General dated March 4, 2026, demanding the Sheriff stand down “all further investigative action in this matter.” (See Ex. H.)

9. The Sheriff responded to the letter on March 5, 2025, in an email stating he paused the investigation and would cooperate with the Attorney General in providing the documents and reports he requested.

10. The Sheriff then received a letter dated March 6, 2026, requesting the production of a plethora of documents from the investigation, all of which the Sheriff’s Department is presently locating and retrieving. (See Ex. I.) Although the Attorney General believes these documents can all be immediately provided, that is not possible due to the breadth of the Attorney General’s request.

11. My firm was thereafter engaged to represent the Sheriff.

12. I sent an email to attorney Anthony Brady of the Attorney General’s Office on March 17, 2026, in response to the request for documents stating, “I am happy to gather this information and provide it to your office. Although I do have some of the information, I do not yet have all of it.” (See Ex. C.)

13. The Sheriff's Department was then conflicted with the demands from the Attorney General because he was asking for something extraordinary and referred to the optics this investigation may have regarding the public's confidence in elections. The conflict is due to the fact that Judge Kiel retains continuing jurisdiction and control over the seized ballots and materials because the Sheriff's possession is custodial and "subject to the order of the court." (Pen. Code, § 1536; *People v. Superior Court (Laff)* (2001) 25 Cal.4th 703, 713; *Gershenhorn v. Superior Court* (1964) 227 Cal.App.2d 361, 366.) Courts recognize that, under Penal Code section 1536, the seizing officer has no discretion to dispose of seized property absent court order and acts as an agent holding physical possession subject to court control. (*In re Seizure of Approximately 28 Grams of Marijuana* (N.D. Cal. 2003) 278 F.Supp.2d 1097, 1105–1106 ("The officer "must" retain the items in his custody; the seized items may be disposed of only by court order. An officer who releases items from his custody without an appropriate order violates section 1536. This in effect makes the seizing officer an agent of the court for the purpose of taking physical possession of the seized evidence. Cases interpreting section 1536 confirm that the officer holding the property acts solely on behalf of the court".))

14. In sum, this case presents a question pertaining to the separation of powers between the court and the executive branch as well as a question of the extent of the authority of the Attorney General to stop a lawful investigation on the purported grounds

that the investigation will sow distrust in our elections as stated in the Attorney General's letters.

15. Faced with the jurisdictional questions, the Sheriff's Department filed a new warrant on March 19, 2026, for the appointment of a special master and for the court's direction for navigating the circumstances as the Sheriff's Department did not want to be violating the orders of the court regarding its possession of the evidence collected. The court issued a third warrant on March 19, 2026, directing the Sheriff's Department to appoint a special master who would serve as an independent person to carry out the counting of ballots. Judge Kiel was informed of the conflicting demands by the Attorney General prior to his order for the appointment of a special master.

16. I sent another email to attorney Anthony Brady on March 20, 2026. (*See* Ex. D.) I suggested that "the Sheriff's Department would welcome the AG's support and collaboration to count the ballots should the AG agree. Please let me know if your office would have an interest in collaborating. In the meantime, to work cooperatively on behalf of the Sheriff's Department to provide you with the information as requested." I provided the Attorney General with the March 19 warrant for the appointment of a special master in that correspondence. (*Id.*)

17. Thereafter, the Sheriff's Department contacted attorneys identified by the California State Bar as persons qualified to serve as special masters. Being a volunteer position, the Sheriff's department did not locate a special master willing to

serve without compensation. After exhausting the special master list, the Sheriff's Department returned to Judge Kiel to inform him of this fact on March 26, 2026. The Attorney General had filed the superior court Writ of Mandate and Ex Parte Application for Expedited Briefing Schedule earlier on March 26, 2026. In light of that filing, Judge Kiel would not give further direction to the Sheriff's Department until the superior court writ of mandate was addressed.

18. On March 27, 2026, at 1:39 pm, I emailed attorney Anne Bellows of the Attorney General's Office. (*See* Ex. E.) Just as I did in an email the evening of March 26, 2026, this email informed the Attorney General's attorneys that "I do not believe you have any need to proceed with an ex parte hearing to shorten the briefing schedule. The Sheriff's Department is not counting ballots and has no intention of counting the ballots unless the courts otherwise permit. The Sheriff has ceased the investigation pending resolution of this case. Furthermore, the evidence seized is in the Sheriff's Department's protective custody."

19. In that email, I also provided a link to One Drive providing hundreds of pages of information requested by the Attorney General. (*Id.*)

20. Most importantly, I also provided a declaration signed by the Sheriff evidencing the fact that the investigation did not proceed unless the matter was resolved in the courts. (*See*, Ex. F.) I further stated that the evidence was safe and secure in the Sheriff's Department's custody.

21. Ms. Bellows responded at 3:17 pm stating three legally insufficient reasons for continuing with the ex parte request for a shortened briefing schedule: (1) Ballots are in the Sheriff's custody; (2) Every day the Attorney General refuses to recognize the Attorney General's authority is harm to the state's constitutional order; and (3) The investigation concerns alleged election irregularities with primary and general elections fast approaching. (Ex. J.)

22. Ultimately, this investigation will not proceed until the court addresses the jurisdictional rights and responsibilities of the courts, the Attorney General, and the Sheriff. This decision by the Sheriff is largely because the Attorney General demanded that the investigation be "paused" along with his request in legal proceedings that the seized evidence be returned to the Registrar of Voters, resulting in an "unseemly conflict" between the judicial system and the executive branch. . (*In re Seizure of Approximately 28 Grams of Marijuana* (N.D. Cal. 2003) 278 F.Supp.2d at 1107.).

23. The evidence is in protective custody of the Sheriff's Department and is not being reviewed or inspected and remains sealed in boxes. My office is assisting the Sheriff to obtain the records requested by the Attorney General. Those records are numerous. The Sheriff initiated an initial investigation in approximately 2022, which led to this present investigation that has ceased. The investigators have interviewed well over twenty people and analyzed hundreds of records. The scope of the

Attorney General's request includes correspondence, emails, text messages, and voicemails between numerous people.

24. The Sheriff will continue to act in good faith with the constitutional requirement that the Sheriff provide information to the Attorney General.

25. The issues to be addressed are important and complicated issues, and some may be matters of first impression. This Court would benefit from a fully developed record by requiring this case first be addressed in the normal course of litigation and allowing time for the Sheriff to adequately brief on this matter.

26. I am presently out of state and do not plan to return to the office until Friday, August 3, 2026. The Sheriff does not have unlimited resources and staffing as the Attorney General. The attempt by the Attorney General to obtain relief from this Court while seeking the same relief in the superior court is not only oppressive and prejudicial, but also unnecessary.

27. The status quo will remain as represented above.

28. Regarding the superior court writ, I proposed to the Attorney General on March 27, 2026, that the Sheriff's answering brief be due on April 15, 2026, with a hearing during the week of April 27, 2026. The Attorney General rejected that proposal and, instead, seeks a shorter briefing schedule.

29. The Attorney General has presented his writ and requested relief to the Riverside County Superior Court without any meaningful delay. There is no valid reason for him to burden

this Court with his remarkable requests after already being denied original jurisdiction by the court of appeal from where he seeks this review.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed April 1, 2026, at Riverside, California.



Robert H. Tyler

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CERTIFICATE OF SERVICE


I am an employee in the County of Riverside. I am over the age of 18 years and not a party to the within entitled action; my business address is 25026 Las Brisas Road, Murrieta, California 92562.

On April 1, 2026, I served a copy of the following document(s) described as:

**DECLARATION OF ROBERT H. TYLER IN SUPPORT OF
RESPONDENT’S ANSWER TO
PETITION FOR REVIEW AND EMERGENCY STAY OR
EQUIVALENT INTERIM RELIEF REQUESTED**

on the interested party(ies) in this action by-email or electronic service [C.C.P. § 1010.6; CRC 2.250-2.261]. The documents listed above were transmitted via e-mail to the e-mail addresses on the attached service list.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am an employee in the office of a member of the bar of this Court who directed this service.



Robert H. Tyler

Document received by the CA Supreme Court.

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