

No. S295901

IN THE SUPREME COURT  
OF THE STATE OF CALIFORNIA

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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.*

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DECLARATION OF SERGEANT JAMES MERILL 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, Sergeant James Merrill, the undersigned declared as follows:

1. I am over the age of eighteen years and a Sheriff's Sergeant with the Riverside County Sheriff's Office ("RSO"). I make this declaration based upon my personal firsthand knowledge and if called and sworn as a witness, I could and would testify competently thereto.

2. I have worked as a sworn peace officer for RSO for 25 years. In the last three years I have been a Sergeant, supervising both patrol and the Investigations Bureau at the Moreno Valley Sheriff's Station ("MVSS"). Part of my duties include the Supervisor of our Property and Evidence Department. Before becoming a Sergeant, I was a Sheriff's Investigator for 16 years and held the rank of Master Investigator. I have worked a variety of assignments and investigated hundreds of crimes to include homicides, officer involved shootings, sex crimes, child abuse, assaults and frauds.

3. When we determined, we would need to seize evidence from the Riverside County Registrar of Voters ("ROV"), we made a plan to maintain standard chain of custody for the items of evidence seized throughout the investigation. We consulted with different entities within our department to accommodate this large amount of evidence. Investigator Castellanos created a Reconciliation Count S.O.P., which was intended to serve as our protocol for counting the ballots and was reviewed and approved

by me. A true and correct copy of that document is attached hereto as Exhibit A.

4. On February 26, 2026, we responded to the ROV to take possession of the 12 pallets of ballots. Members of the Moreno Valley Sheriff's Station Investigations Bureau, The Sheriff's Emergency Response Team and the Special Enforcement Bureau ("SWAT") responded to the location, a total of 20 members of RSO. Two box trucks were used to transport the 12 pallets of ballots, each pallet was photographed and marked by Inv. Castellanos. Several members of the ROV staff were present and assisted us with the collection of the pallets.

5. The team then caravanned together from the ROV to the secure storage facility. The pallets were then offloaded to a secure storage room while the members were present. The room was secured and locked, only Lt. Morovich (MVSS Investigations Bureau), Inv. Castellanos and I have access to that room which is inside a secure Sheriff's Facility. The following day we had 3 cameras installed inside the room to record and monitor the evidence in addition to the external security cameras. That installation was monitored by Lt. Morovich, Inv. Castellanos and me. The building itself is also alarmed when no one is present inside and I was added to the notification list if the alarm is triggered.

6. Inv. Castellanos prepared a standard operating procedure ("SOP") for how the ballots would be counted, see attached. On March 5, 2026, we conducted a count of a small

sample size using MVSS Investigations Bureau Personnel. We sent an investigator with a laptop to allow the ROV personnel to watch the ballot count remotely. We used our SOP to conduct a count of the ballots to assess how further counts would go and if we needed to adjust our SOP and personnel. After about 2 hours, I received a phone call from Sheriff's Bianco requesting that we stop our counting. We stopped counting, we ensured all the ballots were placed in the boxes and sealed. We then had everyone leave the room and it was locked and secure.

7. During the counting of the ballots, the boxes we counted were unsealed and the ballots were counted. We only unsealed the small number of boxes that we counted in that two-hour time frame. We noted the ballots did not contain any personal identifying information. The count was stopped and has not been resumed. We did not unseal, open, or access any other seized materials at that time or at any time.

8. On March 18, 2026, we sought direction from Judge Kiel, the judge who issued the warrants because the Attorney General sought to stop the counting of the ballots. I also understood that the intent and purpose of obtaining the warrant was to count the ballots, although that was not expressly ordered previously. Investigator Castellanos and I informed Judge Kiel of the fact that the Attorney General sent correspondence demanding the Sheriff stop the counting and the investigation. We informed Judge Kiel that we would like an order from him directing the Sheriff's Department. Judge Kiel then told us that he would not

give a direct order to the Sheriff's Department to count the ballots but suggested we write an order for a Special Master. On March 19, 2026, we returned to the judge with a request to appoint a Special Master which was signed via a warrant.

9. On March 24, 2026, we contacted the ROV and informed them we would be collecting the rest of the election material as ordered by the court. We followed the same protocol as we did on February 26, 2026, using MVSS Investigations Bureau, Sheriff's Emergency Response Team and SWAT. We secured them in the same room as the ballots and followed the same protocol. The additional election materials have not been unsealed as of the writing of this document.

10. Despite the Attorney General's assertions otherwise, the search warrants were valid and complied with applicable criminal rules of procedure. I have written well over 50 search warrants, and I have authored multiple search warrants on cases where we did not know the identity of the suspect who committed the crime. The warrant, once signed by a judge, authorizes law enforcement to search in a particular place for evidence that is related to the investigation.

11. In addition, the search warrant authored by Inv. Castellanos clearly states "regarding various issues of election fraud" which would be 18500 of the Elections Code, a felony. I have written multiple search warrants laying out the crime in plain language (murder as opposed to 187 PC, etc.). Although some may

lay out the penal code explicitly it is common to use plain language to describe the crime which we are investigating.

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

Executed on April 1, 2026, at Riverside County, California.

  
James Merrill (Apr 1, 2026 07:10:44 PDT)  
James Merrill

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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 SERGEANT JAMES MERILL 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

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## SERVICE LIST

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# EXHIBIT “A”



# Riverside County Sheriff's Office

*Chad Bianco, Sheriff-Coroner*

4095 Lemon Street • Riverside • California • 92501  
www.riversidesheriff.org

## **MC-26-036-0003** **Reconciliation Count S.O.P.**

### **1. Preparation and Environment**

Before a single page is moved, the environment must be staged to prevent loss or duplication.

- **Staging Area:** Establish three distinct zones: **Unprocessed**, **In-Progress**, and **Verified**.
- **Batching:** Divide the 660,000 documents into manageable "Control Batches" (e.g., boxed ballots).
- **Unique Identifiers:** Ensure every box has a unique identifier (Pallet1- Box1 etc.).

### **2. Equipment and Personnel**

- **Staff Roles:**
  - **Handlers:** Move boxes and prep paper (remove staples/clips).
  - **Operators/Reconcilers:** Count the number of ballots. Operators shall be in groups of two with at least one sworn department member per pair.
  - **Quality Assurance (QA):** Perform independent spot-checks. (Lead Investigator)
  - **Surveillance Equipment:** The documents will be maintained in a locked and secured Riverside County Sheriff's Department facility which will be monitored 24/7 with video surveillance. The facility shall have access restricted to only authorized personnel and the Lead Investigator shall maintain a log of all personnel who enter the facility.

### **3. The Counting Process**

To reach 660,000 accurately, use a **Double-Blind Verification** method.

Step	Action	Description
<b>A</b>	<b>Initial Prep</b>	Beginning with Pallet 1, the pallet will be opened, and each box will be marked (e.g. 1-1, 1-2). Document the box to be counted and document any pertinent information listed on the box by the ROV. Once a box is assigned to an Operator pair, the information regarding the operators and box number shall be provided to the Lead Investigator.
<b>B</b>	<b>Primary Count</b>	Individually count each ballot. Record the count against the ROV count.
<b>C</b>	<b>Secondary Count</b>	As the first operator is counting a batch, a second operator will count a different batch. After they each complete their batches, the operators will switch batches and recount the batch counted by the other operator without seeing the first result.
<b>D</b>	<b>Reconciliation</b>	If Count A and Count B match, the batch is <b>Verified</b> .

**Note:** If there is a variance between Count A and Count B a new pair of Operators shall recount the box of ballots. After the ballot count is verified, the operators shall document their initials and Sheriff's ID Number on the box identifier.

Only after each box in a pallet is counted and the pallet is reassembled (with the boxes being reassembled as they were deconstructed) in the completed pallet location will the next pallet be opened, marked, and dispersed.

#### 4. Quality Assurance (Sampling)

Once the 660,000 count is complete, perform a Statistical Validated Sample.

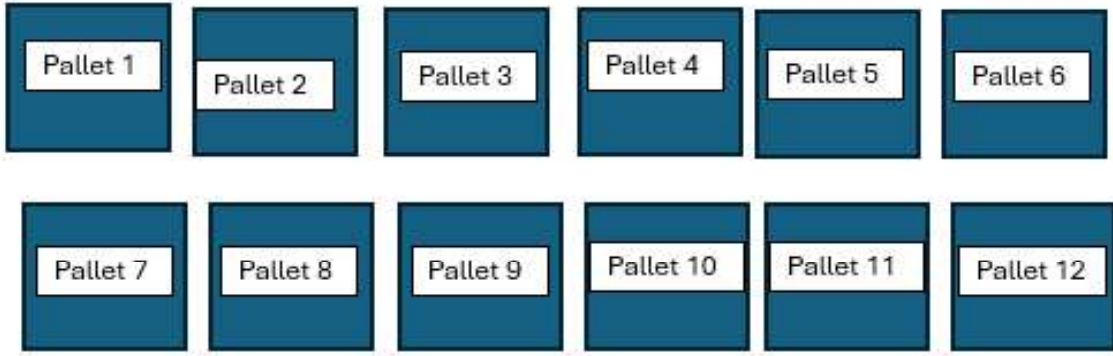
- **Formula:** Use a standard Confidence Level (95%) and Margin of Error (1%).
- **Action:** Randomly select 10–15 boxes for a final manual audit. If any batch fails, the entire pallet associated with that batch must be recounted.

#### 5. Final Documentation and Seal

- **Logbook:** Maintain a master manifest (digital or physical) showing:
  - Timestamp of count.
  - Operator ID.

- Batch ID.
  - Final verified count.
  - **Sealing:** Once verified, boxes should be sealed with **tamper-evident tape** and signed by the QA Lead.
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Completed Pallets

