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.

RESPONDENTS CHAD BIANCO, RIVERSIDE COUNTY SHERIFF'S ANSWER TO PETITION FOR REVIEW AND EMERGENCY STAY OR EQUIVALENT INTERIM RELIEF REQUESTED

PUBLIC-REDACTS MATERIAL FROM SEALED RECORD

TYLER LAW, LLP
Robert H. Tyler (State Bar No. 179572)
rtyler@tylerlawllp.com
Nic Cocis (State Bar No. 204703)
nic@cocislaw.com
25026 Las Brisas Road
Murrieta, California 92562
Tel: (951) 600-2733
Fax: (951) 600-4996
Attorneys for *Respondent Chad Bianco, Riverside County Sheriff*

April 1, 2026

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CERTIFICATE OF INTERESTED ENTITIES

Pursuant to California Rule of Court 8.208, Sheriff Chad Bianco, Riverside County Sheriff, certifies that he knows of no entity or person, other than the parties themselves and the named real parties in interest, that have a financial or other interest in the outcome of the proceeding that he reasonably believes the justices should consider in determining whether to disqualify themselves under canon 3E of the Code of Judicial Ethics.

Respectfully submitted,

Robert H. Tyler
Tyler Law, LLP
25026 Las Brisas Road
Murrieta, California 92562
Attorney for Respondent

I. INTRODUCTION

The California Constitution was written to give the Attorney General a sword to punish crime, not a shield to stop lawfully initiated investigations. *See* CA Const. art. V, § 13. Petitioner seeks extraordinary relief from this Court to stop lawful investigatory actions following Riverside Superior Court's finding that probable cause exists for the issuance of warrants to investigate elections fraud. The Attorney General made it abundantly clear in his Petition that his objective is to shut the investigation down, not simply to "pause" it. The Attorney General said, "Every day that the Sheriff's illegal and baseless probe continues, there is a growing possibility that the public will call into question the fairness of elections based on misinformation spread by the Sheriff …." Pet. For Writ of Mandate ("Petition") at p. 27. The Attorney General claimed, "in light of the baseless foundations of the Sheriff's investigations, allowing the investigation to continue could seriously undermine public confidence in state elections." Petition, 25. The Attorney General made his intentions abundantly clear: he is not seeking to direct the criminal investigation; he is seeking to stop it … immediately. Squelching a criminal investigation where a Superior Court has already found probable cause of criminal activity is not in the public's interest.

The Appellate Court rightly dismissed this emergency petition because the Attorney General failed to show why this could not be handled the proper way – through filing in the

Superior Court. This is an important ruling. Whether one views this as pursuing an investigation into election fraud or squelching an investigation after probable cause of a crime has been determined, this matter will involve significant legal questions. These issues and the corresponding arguments deserve to go through, and be refined by, the normal course of litigation: through trial courts and appellate courts.

Despite the Attorney General's rhetoric, there is no need for emergency relief as the Sheriff has paused the investigation and is awaiting further word from the courts before taking any further step. No counting will take place unless and until the Attorney General's writ petition that is pending before the Riverside County Superior Court is resolved. *See Att'y General Rob Bonta v. Chad Bianco*, No. CVRI2601580 (filed Mar. 26, 2026).

This brief attaches declarations and exhibits in support as no record has been developed in this case. While the Attorney General filed first in the Court of Appeals, the request was denied before Sheriff Bonta could answer. It also cites to Petitioner's Appendix.

II. STATEMENT OF FACTS

A. The ROV Has Been Unable To Reconcile The Ballot Numbers For The 2025 Election

The Registrar of Voter ("ROV") counts and certifies the vote from elections to the Secretary of State. Elec. Code §§ 15000 *et seq*. Following the 2025 special election on Proposition 50, the Riverside ROV certified that 657,322 votes had been counted in

Riverside County. Attorney General's Petition for Review and Emergency Stay ("Petition") at 10. This number was generated by software programs that track and scan ballots. *See* Board of Supervisors Meeting (Supervisor's Meeting) (Feb. 10, 2026), https://www.youtube.com/watch?v=RhzqeYHkhtU, at 4:22:22–4:22:40.

Software is not the only method that the ROV uses to keep track of the ballots it receives. Each ballot envelope that is received by the ROV is also counted upon its acceptance *and a paper receipt* or "ballot statement" is created by election workers. Supervisor's Meeting at 5:24:32—27:41. Election workers count, in pairs, the ballots received daily and, for busy areas, up to several times a day and record their count in handwritten logs in accordance with the ROV's established practices. *Id* at 5:20:50—24:18 (describing process as an election officer at a vote center); 5:24:32—27:41 (describing how the ballot statements are an integral part of the elections audit and, as such, have procedures that ensure high accuracy). The elections workers sign the statement as accurate under oath to certify its accuracy. *Id* at 5:24:32—27:41.

In other words, if one were to collect each ballot statement and add them all together, it would set the *ceiling* for the amount of votes that could possibly be certified—as it would show the total number of ballot envelopes collected. The final certified number of counted ballots could, and usually is, less as some ballots that are accepted are not eligible to be counted.

Following the November 4, 2025, special election, the Riverside Elections Integrity Team ("REIT") noticed a significant discrepancy in the total votes counted and certified by the Riverside ROV with the number of ballots listed on the ballot statements. Ex. A, Bianco Decl. at ¶¶ 4–13. Through public records requests and communications with the ROV, REIT had collected *all* ballot statements from the ROV—over 3,500 in total—and added them up. Supervisor's Meeting at 5:28:25—5:37:35 (discussing the process audit REIT did and bringing forth one of the seven boxes containing a number the 3,500 ballot statements collected). This is not disputed. The total ballots accounted for on the ballot statements are 611,426 ballots, which is 49,896 *fewer* ballots than certified by the Registrar; meaning that somehow, the ROV's count was a *staggering* 49,896 votes more that it had record of receiving.

The ROV has never disputed that it provided all ballot statements to REIT. *See* Supervisor's Meeting at 4:57:21—5:15:00.

[redacted]

On February 10, 2026, the Riverside County board of Supervisors held a meeting where the ROV presented, followed by members of REIT, regarding the discrepancy discovered by REIT. This meeting was recorded and can be found online on Riverside County Televisions YouTube channel.[1] *See also* Petition at 10.

Riverside's ROV presented first and described the method he used to certify the total ballots counted in the 2025 special election. Supervisor's Meeting at 4:11:05—5:14:20. The Registrar stated the number he certified was entirely the calculation of computer programs—namely the Election Information Management System and the Liberty Vote System. *Id* at 4:22:22–4:22:40. He stated that ballot envelopes were received, opened, and then the ballot and envelope were then separated. "Good" ballots were then scanned and tabulated by the computer system that published the results that he finalized. *Id* at 4:22:22—4:22:23. The ballots that were not "good" were discarded or set aside so that they could be cured. *Id*.

The Registrar stated that he believed REIT erred because (1) he did not believe they included confidential voters' ballots, conditional voters' ballots, and provisional voters' ballots in their count and (2) the REIT team used data compiled by his elections workers who he stated may have mistakenly counted around 45,896 too many ballots because they were tired. *See Id* at 4:57:35–5:15:00.

[1] https://www.youtube.com/watch?v=RhzqeYHkhtU. Discussion regarding the 2025 election issues begins at 4:14:41 of the 6:31:24 video.

Several REIT members spoke next and rebutted both the Registrar's claims about REIT's methods and data. Supervisor's Meeting at 5:16:00—6:31;24. One speaker noted REIT had counted *all types* of ballots including confidential voter's ballots, conditional voters ballots, and provisional voter's ballots. Supervisor's Meeting at 5:28:25—5:37:35; 5:39:43 –5:47:18 (noting 16,376 rejected ballots were accounted for by REIT). Accordingly, this was not a valid reason for the discrepancy.

Next REIT debunked the Registrar's claims that the 45,896 fewer ballots on the ballot statements were the result of election workers' counting errors. Supervisor's Meeting at 5:20:58 –5:27:27. Two individuals spoke about the rigorous and methodical standards and procedures used by elections workers in creating ballot statements. *Id*. They noted that election workers who count ballots do so in pairs and often count and recount ballots multiple times before finalizing the number of ballots counted. *Id*. The individuals memorialize and certify the accuracy of their count officially and in writing the ballot statements. *Id*.

Another REIT member discussed the method used to gather all the hand counted ballot statements of which there were over 3,500. Supervisors Meeting at 5:28:25—5:37:35. This ensured that REIT did not simply have a lower number because it had failed to include all hand counted ballot forms. He also noted that even if there was human error, the error would not always be too few votes counted. *Id*. If election workers miscounted, naturally they would sometimes count too many ballots and other times count too few

ballots. To believe they systematically counted 45,896 too few ballots is an incredulous supposition.

A REIT member then introduced the Registrar of Voters for Shasta County, to speak. *Id* at 5:47:27–5:54:02. The Shasta County Registrar is also a programmer and lawyer who previously worked for NASA and several Fortune 500 firms. *Id.* Previously, he wrote a code for elections machines for the State of Florida to demonstrate how software can manipulate ballot counting without detection. *Id.* He testified about the method he used in Shasta County that had resulted in an exact match between the number of votes tallied by machines and people. *Id.* He noted relying on software without oversight was an irresponsible manner to certify votes as it was easy to manipulate.

B. The Riverside County Sheriff's Department ("RSO") Obtained And Executed Judicial Search Warrants To

[redacted]

[redacted]

The warrants complied with all legal requirements. "Only the probability, and not a prima facie showing, of criminal activity is the standard of probable cause." *Spinelli v. United States* (1969) 393 U.S. 410, 419 (overruled in part on other grounds) (citation omitted). [redacted] to the Attorney General's assertion, a warrant is not *required* to name a specific perpetrator in every case, only "reasonable particularity" regarding the commission of a crime is required. *See* Penal Code § 1529; Petition at p. 14; *Spinelli*, 393 U.S. at 419.

RSO has paused this investigation to allow these issues to be decided by the courts. *Id;* Tyler Decl,. at ¶¶18 –27, attached as Ex. B. RSO has preserved the seized items as evidence, consistent with the Attorney General's request that the RSO preserve the seized materials. *Id*; *see also* Declaration of Sergeant James

Merrill, attached as Ex. D. RSO will be providing a report of this investigation to the Attorney General.

C. The Attorney General Is Now Seeking A Writ In Superior Court

On March 26, 2026, the Attorney General filed for a writ of mandate in the Superior Court of California, Riverside County, concerning the ballots and this criminal investigation. The RSO has agreed to not count ballots and has paused its investigation pending the resolution of the writ of mandate. *Id*; *see also Att'y General Rob Bonta v. Chad Bianco*, No. CVRI2601580 (filed Mar. 26, 2026). Importantly, the Attorney General filed this new writ in the superior court after he sought original jurisdiction in the California Court of Appeal Fourth District. However, the court of appeal denied the writ of mandate and request for immediate stay because the Attorney General "failed to demonstrate he lacks an adequate remedy in the superior court." Petitioner Attachment; Ex. D, Order Denying Writ Request.

D. The Attorney General Demonstrated A Desire To Terminate The Investigation

Attorney General Rob Bonta has made his objective crystal clear - to terminate Sheriff Bianco's lawful criminal investigation into irregularities in the November 2025 special election that enacted Proposition 50.

Proposition 50, the "Election Rigging Response Act," was a constitutional amendment designed to redraw California's congressional districts to add five Democratic seats in response to

Texas redistricting. It passed on November 4–5, 2025, with 7,453,339 yes votes (approximately 64.42%) to 4,116,998 no votes statewide. Attorney General Bonta immediately celebrated the result on his official social media accounts, proclaiming: "The voters of California spoke loudly and clearly yesterday. #prop50."[2] Over the ensuing months, Bonta's office mounted aggressive and successful defenses of the measure against at least six Republican-led challenges and a Trump-backed effort, ultimately prevailing in seven court actions, including before the United States Supreme Court.[3]

In one such post, Bonta admitted to the blatant partisanship of Proposition 50: "for explicitly partisan reasons, Governor Gavin

[2] Post by Attorney General Rob Bonta (Nov. 5, 2025), Facebook, https://www.facebook.com/AGRobBonta/posts/the-voters-of-california-spoke-loudly-and-clearly-yesterday-prop50/1338126851439056/ (official account @AGRobBonta); see also Instagram post by @agrobbonta (Nov. 5, 2025), https://www.instagram.com/reel/DQsp3OTkY8e/ ("The voters of California spoke loudly and clearly yesterday. #prop50").

[3] See Post by Attorney General Rob Bonta (Feb. 4, 2026), Facebook, https://www.facebook.com/RobBonta/posts/despite-multiple-republican-efforts-to-undermine-the-overwhelming-will-of-califo/1314425430492354/ (stating the most recent challenge was the "SIXTH attempt—and their SIXTH loss" and that the office had successfully defended the measure multiple times); Statement of Attorney General Rob Bonta (Feb. 4, 2026), quoted in Governor Newsom on Republicans Losing Challenge to New Congressional Maps at U.S. Supreme Court, Office of Governor Gavin Newsom (Feb. 4, 2026), https://www.gov.ca.gov/2026/02/04/governor-newsom-on-republicans-losing-challenge-to-new-congressional-maps-at-u-s-supreme-court/ ("With this latest win, my office has now successfully defended this critical ballot initiative … on seven occasions"); see also Supreme Court Leaves California's Prop. 50 Maps in Place for 2026 Midterms, S.F. Chronicle (Feb. 4, 2026), https://www.sfchronicle.com/politics/article/supreme-court-prop-50-21316228.php (reporting U.S. Supreme Court denial of the Republican/Trump-backed challenge); Federal Court Upholds California Congressional Redistricting, The Center Square (Jan. 14, 2026) (reporting prior federal court victory and Bonta's statement that "every single challenge against Proposition 50 has failed").

Newsom and our Legislature advanced Proposition 50, presented it to the voters, and Californians overwhelmingly supported it."[4]

On February 26, 2026, Bonta sent Sheriff Bianco a formal letter asserting supervisory authority and demanding an immediate halt to this investigation:

> "Election integrity, and public confidence in the administration of elections, are matters of statewide concern, and I have a constitutional duty to ensure that state elections laws are adequately and uniformly enforced. As the state's chief law officer, I also have a constitutional duty to supervise county sheriffs… There is no indication anywhere in the United States of widespread voter fraud… This is why I was concerned earlier today to learn that your office executed warrants to seize approximately 1,000 boxes of ballots and other materials from the Riverside County Registrar of Voters related to the November 2025 Special Election… My office has reviewed the warrants… We are concerned that the affidavits identify no specific felony offenses you have probable cause to believe were committed… [The investigation] threatened to undermine public confidence in state elections." Petitioner's Appendix, Exhibit C.[5]

When compliance was not immediate, Bonta sent a follow up letter on March 4, 2026, and declared the Sheriff's actions "unacceptable," warned that continuing the probe "sets a

[4]Office of Governor Gavin Newsom (Feb. 4, 2026), https://www.gov.ca.gov/2026/02/04/governor-newsom-on-republicans-losing-challenge-to-new-congressional-maps-at-u-s-supreme-court/

[5] Letter from Rob Bonta, Att'y Gen. of Cal., to Chad Bianco, Sheriff, Riverside County (Feb. 26, 2026), available at https://kesq.b-cdn.net/2026/03/Feb.-26-Letter-to-Sheriff-Bianco_Redacted.pdf; see also California Attorney General Letter to Riverside County Sheriff dated Feb. 26, Scribd (uploaded Mar. 2026), https://www.scribd.com/document/1015361877/California-Attorney-General-letter-to-Riverside-County-sheriff-dated-Feb-26 (containing the full text of the quoted language).

dangerous precedent and will only sow distrust in our elections," and ordered a full stand-down by March 5. Petitioner's Appendix, Exhibit D.[6]

And in his most recent filing with this Court, the Attorney General made it abundantly clear that his objective is to shut the investigation down: "Every day that the Sheriff's illegal and baseless probe continues, there is a growing possibility that the public will call into question the fairness of elections based on misinformation spread by the Sheriff …." Petition at 27. The Attorney General claimed, "in light of the baseless foundations of the Sheriff's investigations, allowing the investigation to continue could seriously undermine public confidence in state elections." Petition at 25.

E. Sheriff Bonta Has Paused The Investigation And Provided All Relevant Information

The Attorney General's Petition misstates the facts where it alleges that Sheriff Bianco was ignoring his communications and that he has not, or will not, pause the investigation. *See* Petition at 21–27. Rather, following receipt of the Attorney General's March 4, 2026, letter, Sheriff Bianco discontinued the

[6] Letter from Rob Bonta, Att'y Gen. of Cal., to Chad Bianco, Sheriff, Riverside County (Mar. 4, 2026), at 1–2, available at https://www.scribd.com/document/1015319591/March-4-Letter-from-California-Attorney-General-to-Riverside-County-Sheriff-Chad-Bianco (stating "Let me be clear: this is unacceptable. Your decision to seize ballots and begin counting them … sets a dangerous precedent and will only sow distrust in our elections" and directing the Sheriff to "stand down all further investigative activities" with confirmation due by March 5, 2026); see also Courthouse News Serv., California AG Sues to Halt Impromptu Vote Recount by Riverside Sheriff (Mar. 2026) (summarizing the letter's directives).

investigation and stopped going forward with the plan to count the ballots. Bianco Decl. at ¶¶ 21 –28; Tyler Decl. at ¶¶18 –27.

Sheriff Bianco's actions after pausing the recount to allow [redacted] Sheriff Bianco's counsel has confirmed this fact in emails to Petitioner's counsel stating that no counting will be done and the status quo will be preserved during the pendency of the present litigation absent court order. Tyler Decl. at ¶¶18 –27. Sheriff Bianco has personally ensured that no counting of the ballots is going to go forward pending the resolution of this matter in the courts. Bianco Decl. at ¶¶ 21 –28;

Petitioner's claims that the Sheriff has failed to provide requested documentation and reports is also misleading. Sheriff Bianco has provided all information that he has, and has promised that, as reports get compiled, he will continue to provide them. *See* Tyler Decl. at ¶¶ 10, 16 ,20, 24; Bianco Decl. at ¶ 21–23 (noting that he has turned over and continues to turn over requested documents in a timely manner and otherwise complied with the Petitioner's requests).

III. LAW AND ARGUMENT

A. The Attorney General Cannot Meet The Requirements For Mandamus To Issue

To obtain the issuance of a writ of mandamus, Petitioner bears the burden of demonstrating: (a) that he has no other plain, speedy, and adequate remedy; (2) that Sheriff Bianco has failed to act on a clear ministerial duty; and (3) he has a clear right to the performance of such duty. *Morgan v. Bd. of Pension Comrs*. (2000) 85 Cal.App.4th 836, 842–43; Code Civ. Proc., § 1085. Petitioner must further show that he "will suffer an irreparable injury if the writ is not granted." *Los Angeles Gay & Lesbian Center v. Superior Court* (2011) 194 Cal.App.4th 288, 300.

The Supreme Court "will ordinarily not entertain an original application for a writ of mandate where the proceeding could have been prosecuted in the Superior Court." *May v. Bd. of Directors of El Camino Irr. Dist*. (1949) 34 Cal.2d 125, 135. Because Petitioner is attempting to bypass the lower courts, he must explain why the Supreme Court should issue the writ as an original matter. Rules of Court, Rule 8.486.

In the present matter, Petitioner cannot meet the requirements for mandamus to issue for several reasons. First, the Sheriff's investigation of voter fraud in Riverside County does not threaten Petitioner with irreparable harm—especially when that investigation has been paused during the pendency of the lower court's consideration of Petitioner's claims. Second, Petitioner cannot demonstrate that no other plain, speedy and adequate

remedy exists given the present matter is currently in front of the Riverside County Superior Court. Third, the Sheriff does not owe a ministerial duty to cease a lawful investigation due to the Attorney General's political maneuverings.

1. The Sheriff's investigation of crime does not threaten the Attorney General with irreparable harm.

There is no immediate harm. The Superior Court has issued the warrants, and the items seized are being kept securely. *See* Declaration of Sergeant James Merrill, attached as Ex. C; Petitioner's Appendix, Exhibit A; Exhibit B; Exhibit I. In addition, the RSO has paused the investigation until this matter is resolved by the courts.

The Attorney General claims that his powers are being denied because the RSO is not following his directives. The Attorney General has made it clear that he is seeking to stop this investigation. The Attorney General only has power to direct an investigation if it is in the public's interest. Gov. Code, § 12560; Petition at p. 21–22. Stopping a criminal investigation for political purposes is not in the public's interest. Regardless, the investigation is on pause during the pendency of the present litigation.

Furthermore, allegations of a constitutional violation alone do not warrant Supreme Court intervention in the first instance. Petitioner claims that the parties' disagreement about the scope of the Attorney General's authority is an "unprecedented constitutional emergency." Petition, at 2, 7, 21. But clashes

between constitutional officers or branches of government about the extent of their power are far from unprecedented. *See Younger v. Superior Court* (1978) 21 Cal.3d 102, 109 (dispute between the superior court and Attorney General regarding the court's authority to order the destruction of certain criminal records); *People v. Bunn* (2002) 27 Cal.4th 1 (highlighting how conflict can occur between court's and legislature power to laterally attack the other's core constitutional functions); *Steinberg v. Chiang* (2014) 223 Cal.App.4th 338 (demonstrating a dispute between the President pro Tempore of the Senate and the Speaker of the Assembly regarding the limits of each one's authority). The Sheriff has acted in good faith and has stated he will not count the ballots until he receives guidance from the superior court. Because Petitioner has already filed a nearly identical writ in Riverside Superior Court and the Sheriff has agreed not to begin a recount, Petitioner cannot demonstrate an irreparable injury.

The alleged threats are not "impending" as the Attorney General claims. [redacted] The Sheriff's office regularly handles criminal evidence and has established chain-of-custody and handling procedures that guarantee the safekeeping of evidence. *See e.g.* Pen. Code §§ 1417 *et seq.*; *see also* Declaration of Sergeant James Merrill. There is no "urgent need" for this Court to take the present matter.

B. Petitioner Has Failed To Demonstrate There Is No Other Plain, Speedy, And Adequate Remedy As The Superior Court Already Has Jurisdiction Of This Case And Is Equipped To Hear It

The Supreme Court "will ordinarily not entertain an original application for a writ of mandate where the proceeding could have been prosecuted in the Superior Court." *May v. Bd. of Directors of El Camino Irr. Dist.* (1949) 34 Cal.2d 125, 135. Because Petitioner has bypassed the lower courts, he must explain why the Supreme Court should issue the writ as an original matter. Rules of Court, Rule 8.486. The Court of Appeals has already decided as much when it denied the Attorney General's writ—holding that the Attorney General "failed to demonstrate he lacks an adequate remedy in the superior court." Ex. D, Order Denying Writ Request.

Petitioner has also filed a writ request in the Superior Court based on considerations of election law and constitutional law—topics California's lower courts are well equipped to rule on. *Franzblau v. Monardo* (1980) 108 Cal.App.3d 522, 526 ("since jurisdiction of election contests is lodged in the superior court by the constitutional provision vesting original jurisdiction in such court in all cases except those given by statute to other trial courts, the superior court had jurisdiction to hear the instant case"); CA Const. Art. VI, § 10 (noting "Superior courts have original jurisdiction in all other causes").

This matter is already before the Superior Court, which has the authority to grant the Petitioner's requested relief. Petition at

20. Accordingly, there is an adequate remedy available to Petitioner, making review by this Court inappropriate. Furthermore, the Superior Court has already indicated that it is not going to authorize any further investigation into this matter until the issues presented by Petitioner are resolved.

C. The Sheriff Does Not Owe A Ministerial Duty To Shut Down A Lawfully Initiated Criminal Investigation To The Attorney General

Petitioner has also failed to demonstrate that the Sheriff has "failed to act on a clear ministerial duty." *Morgan*, 85 Cal.App.4th at 842. A ministerial act is one which a public officer is required to perform in a prescribed manner in obedience to the mandate of legal authority, without regard to his own judgment of opinion. *Id.* at 843.

1. Investigating crime is a discretionary act that cannot be terminated through mandamus.

A "writ for mandate will not lie to control discretion conferred upon a public officer." *Collins v. Thurmond* (2019) 41 Cal.App.5th 879, 914. The defining feature of a ministerial duty is that the law prescribes and defines the duties to be performed with such precision and certainty as to leave nothing to the exercise of discretion or judgment. *Findleton v. Board of Supervisors* (1993) 12 Cal.App.4th 709, 713.

In the present matter, Sheriff Bianco does not have ministerial duty to stop investigating elections fraud within Riverside County because Attorney General sent a "pause" letter—

particularly when the Superior Court [redacted] This is all the more true when the request is to stop a criminal investigation for political reasons. *See* Cal. Gov. Code 12560 (requiring that the Attorney General's take-over be in the public interest).

Investigating crime is a quintessentially discretionary act. *See* V*enegas v. Cnty. Los Angeles* (2004) 32 Cal.4th 820, 830 (noting a Sheriff's duty to investigate crime); Gov. Code, §§ 26600, 26601, 26602 (laying forth investigative duties of a Sheriff). What to investigate, how to sequence investigative steps, and how to test an evidentiary hypothesis are, paradigmatically, questions of discretion that must be exercised by the Sheriff. *See e.g. Taliaferro v. Locke* (1960) 182 Cal.App.2d 752, 755–57 (holding that a District Attorney's decision to investigate and prosecute crime "rests in his own discretion"). The Sheriff's inherent authority to investigate crime and his choice of how to investigate elections fraud, to seek a warrant in furtherance of that investigation, and to seize evidence in accordance with lawfully issued search warrants were all acts within the Sheriff's discretion. Said another way, the Sheriff does not owe Petitioners a duty to conduct his investigation of elections fraud in the manner they prefer.

2. The Constitution does not give the Attorney General authority to halt a lawfully initiated criminal investigation or the Sheriff a duty requiring blind obedience to the Attorney General's political maneuverings.

Petitioner argues he has authority to terminate the Sheriff's lawfully initiated investigation of criminal matters within the Sheriff's county based on California Constitution article V, section 13 and section 12560 of the Government Code. Petition, 21-27. But these arguments misread the operative language and fail to consider the context in which they are written.

The California Constitution's grant of "supervisory" authority to the Attorney General does not permit the Attorney General to take over a lawfully initiated investigation to terminate it for political purposes. Rather, the Constitution only grants authority to require sheriffs to submit reports regarding their duties and to *enforce* laws by stepping into the shoes of a district attorney. This is made clear by the plain language and context of the Constitution.

California Constitution states in relevant part:

> It shall be the duty of the Attorney General to see that the laws of the State are uniformly and adequately enforced. The Attorney General shall have direct supervision over every district attorney and sheriff and over such other law enforcement officers as may be designated by law, in all matters pertaining to the duties of their respective offices, *and may require any of said officers to make reports concerning the investigation, detection, prosecution, and punishment*

> *of crime in their respective jurisdictions* as to the Attorney General may seem advisable.

Cal. Const., art. V, § 13 (emphasis added).

It goes on to provide the Attorney General greater authority when the Attorney General's office believes laws are not adequately being enforced:

> Whenever in the opinion of the Attorney General any law of the State *is not being adequately enforced in any county*, it shall be the duty of the Attorney General to prosecute any violations of law of which the superior court shall have jurisdiction, and in such cases the Attorney General shall have all the powers of a district attorney. When required by the public interest or directed by the Governor, the Attorney General shall assist any district attorney in the discharge of the duties of that office.
>
> *Id* (emphasis added).

The paramount task of Constitutional interpretation is to "ascertain the intent of those that enacted it." *Thompson v. Dept. of Corrections* (2001) 25 Cal.4th 117, 122. Words are given their ordinary meaning, and if the language is clear, there is no need for construction. *Id.* If they are not clear, the role of the court is to determine the intent of the legislature. *Id.* "Constitutional language cannot be given an unreasonably expansive construction unrelated to the purpose and intended scope of the constitutional provision in which that language appears." *Facundo-Guerrero v. Workers Comp. Appeals Bd.* (2008) 163 Cal.App.4th 640, 649.

Article V, section 13 includes prefatory statement that the Attorney General's role is to ensure state laws are "uniformly and adequately enforced." Article V, § 13. Throughout the section

authority is given to ensure the law is enforced—not to *shield* political allies from investigation. The following sections must be read considering this context.

Next, the section provides that the Attorney General has "direct supervision" over the sheriffs and district attorneys in the state in all matters pertaining to their official duties and "may require any of said officers to make reports concerning the investigation, detection, prosecution and punishment of crimes" in their jurisdictions. The term "direct supervision" is not defined, but it can be understood both by its plain definition and in its context. Such an understanding makes it clear that this language does grant the Attorney General the supreme authority he claims.

The Cambridge Dictionary defines supervision as "the act of watching a person or activity and making certain that everything is done correctly, safely, etc.."[7] This word denotes direct *oversight* not direct control.

This same meaning is evident when direct supervision is read in conjunction with the rest of the sentence. The appositive phrase that follows it states that the Attorney General can require the sheriff to "make reports concerning the investigation, detection, prosecution, and punishment of crime." This phrase clarifies *what* the legislature meant direct supervision to entail. California courts have acknowledged that the meaning of a word may be "restrained by reference to the object of the whole clause in

[7] SUPERVISION: Cambridge Dictionary Online, https://dictionary.cambridge.org/dictionary/english/supervision (last accessed March 31, 2026)

which is it used. *Credit Suisse First Boston Mortgage Capital, LLC v. Danning, Gill, Diamond & Killitz* (2009) 178 Cal.App.4th 1290, 1298. This rule of construction, *noscitur a sociis* in Latin, has been simplified in California to the understanding that "a word takes meaning from the company it keeps. *Id*, fn. 6. California further recognizes the Latin doctrines of statutory construction *Expressio unius est exclusio alterius* means that "the expression of certain things in a statute necessarily involves exclusion of other things not expressed...." *Henderson v. Mann Theatres Corp.* (1976) 65 Cal.App.3d 397, 403. Here the phrase following direct supervision entails making reports and other acts related to oversight rather than control demonstrates that the term has a constrained definition that does not include the ability to terminate a lawful investigation.

Further, the next section *does* provide an avenue for the Attorney General's direct control over investigation, detection, and prosecution of crime. It states that that the Attorney General can prosecute crime and gives it "all the powers of a district attorney" to do so.

Petitioner's definition of "direct supervision" would, in effect, have the potential to entirely undermine the justice system. The Attorney General could stop any investigation of any crime allegedly committed by a political ally or family member. The Constitution was written to give the Attorney General a sword to punish crime, not a shield to protect his ally's from lawfully initiated investigations. *See* CA Const. art. V, § 13 (stating, "It

shall be the duty of the Attorney General *to see that the laws* of the State are uniformly and adequately *enforced*" and "Whenever in the opinion of the Attorney General any law of the State *is not being adequately enforced in any county*"). The Constitution concerns itself with the ability of the Attorney General to *enforce* the law—not sidestep it.

Caselaw supports this reading. In *People v. Brophy* (1942) the Court of Appeals directly considered what "direct supervision over ever district attorney and sheriff" meant under California's Constitution. 49 Cal.App.2d 15, 28. The Court held this "does *not contemplate absolute control and direction of such officials*." *Id*. (emphasis added). The Court stated this is especially true as to Sheriffs who are public officers. *Id*. The Court noted separation of power concerns in stating that public officials are delegated duties and entrusted with duties from the public and who must perform those duties as a part of their governmental function. *Id*. Petitioners' argument directly contradicts this holding. Petitioners allege that the Attorney General should be granted complete authority to control Sheriff Bianco's investigation without limitation. *See e.g.,* Petition, 27 (stating "every day" that this investigation continues causes harm and calling it baseless probe).

3. Government Code § 12560 does not give the Attorney General authority to halt a lawfully initiated criminal investigation.

Petitioner's argument that Government Code section 12560 confers authority to shut down the Sheriff's investigation fails for

similar reasons. Section 12560 is not as broad as Petitioner makes it out to be. Like section 13 of Article V of the Constitution, it gives the Attorney General "direct supervision" over the Sheriff. For the reasons discussed above, this does not entail the authority to end a lawful investigation.

Furthermore, review of Section 12550 demonstrates that, had the legislature wanted the Attorney General to have full control over a sheriff's investigation, they could, and would, have stated as much. Section 12550 demonstrates that the Legislature knew how to write a statute to give the Attorney General the authority to take over an investigation. Section 12550 grants the Attorney General authority over a district attorney; it states that the Attorney General may "*take full charge of any investigation or prosecution of violation of law*" from a district attorney. This language gives the Attorney General clear an unequivocal authority over a district attorney's investigation. No such grant of authority is provided in section 125560 over a sheriff. Section 12560's language that the Attorney General can only "direct the activities of a sheriff" is far narrower and should be read consistently by this Court.

4. The Attorney General is not seeking only to "pause" the Sheriff's investigation but ultimately seeks to terminate it.

The Attorney General has claimed that it only seeks to "pause" the Sheriff's investigation but this is disingenuous as the Attorney General has made it clear that it would never "resume" the investigation in good faith. The Attorney General has made it

clear that he ultimately plans to terminate the investigation. *See, e.g.,* Petition, 25 and 29.

IV. THE REQUESTED RELIEF UNDERMINES SEPARATION OF POWERS PRINCIPLES

As a matter of law, the evidence seized by the Sheriff was seized on *behalf* of the Riverside County Superior Court. *See People v. Superior Court (Laff)* (2001) 25 Cal.4th 703, 713. The Riverside Superior Court retains authority of the evidence, and it is subject to the Court's control, meaning that the Sheriff cannot simply follow any order of the Attorney General, especially when it comes to the disposition, transfer, or use of the evidence. *See id*.

The judiciary is tasked with issuing search warrants based on probable cause that a crime has been committed. The determination must be made by a "neutral and detached" magistrate. *See Mancusi v. DeForte*, 392 U.S. 364, 371 (1968). The Supreme Court has explicitly rejected that an Attorney General can act as a neutral and detached magistrate in issuing warrants. *Coolidge v. New Hampshire*, 403 U.S. 443, 450 (1971) (holding there "could hardly be a more appropriate setting than this for a per se rule" disqualifying an Attorney General from issuing a warrant). A magistrate's determination of probable cause is entitled to deferential review by an appellate court. *People v. Lepere* (2023) 91 Cal.App.5th 727, 733.

An officer may seek a warrant for more than just contraband, the officer may seek records that can demonstrate that a crime has been committed which are not illegal in

themselves. *See Gershenhorn v. Superior Court* (1964) 227 Cal.App.2d 361, 365.

The seizure of evidence pursuant to a warrant is done under the authority of the Court and all evidence so seized is done so on behalf of the Court. *See People v. Superior Court (Laff)* (2001) 25 Cal.4th 703, 713. Once seized, the property is "held by the levying officer on behalf of the court and is, thus, under the immediate control of the court." *Gershenhorn*, 227 Cal.App.2d at 366. Even property seized by an officer without a warrant may be subject to court control. *Id*. A "seizing officer claims no right in or to the property, or in or to its possession, save and except as the court may find use for it." *Id*.

Here, the Attorney General seeks to control the evidence seized by Sheriff Bonta pursuant to the Riverside Superior Court's warrants in violation of separation of powers principles. Once Sheriff Bonta received the Attorney General's letters asking him to "pause" his investigation and turn over the seized property he rightfully sought the Court's endorsement on how to handle the seized evidence. The Court issued a warrant permitting the Sheriff to investigate the ballots and to appoint a special master to assist.

The Attorney General also seeks to be the final arbiter of what constitutes probable cause. The Attorney General argues in each of his letters that the Superior Court erred by issuing the search warrants because the applications were deficient. Had the applications not been submitted, the Attorney General's input would arguably be appropriate, though legally flawed. *See*

Declaration of Sheriff James Merrill. But after a neutral and detached magistrate has *issued* the warrant, the Attorney General's input only seeks to undermine the role of the judiciary. Clearly the Attorney General is not a neutral party to this matter and has a conflict of interest in investigating elections fraud given its role defending the ballot measure. This conflict is manifested in his calling the probe "baseless", seeking to shut it down after probable cause was found and saying there is no felony identified in the warrant. This conflict is why the law prohibits the Attorney General from issuing warrants. Petitioner's arguments regarding an alleged "lack of probable cause" have no legal effect, they only demonstrate the Petitioner's bias and the political undertones of her attempts to stop the Sheriff's investigation. Probable cause has already been found by a neutral and detached magistrate.

V. IN THE ALTERNATIVE, A SPECIAL MASTER SHOULD BE APPOINTED TO CONDUCT THE COUNT

The Sheriff believes this matter should proceed in the Superior Court to allow all of the weighty and important issues to be fully developed, briefed and considered. But in the alternative, the Sheriff asks this Court to appoint a special master to conduct the recount. The public's interest is not served by stopping a valid criminal investigation because of political reasons. A court has already found probable cause that a crime has occurred. It is too late in the day to sweep this under the rug.

VI. CONCLUSION

The petition for review should be denied and this matter should proceed in the Superior Court.

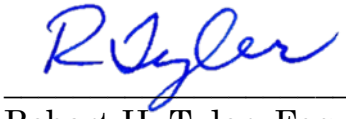
Dated: March 30, 2026

Respectfully submitted,

Robert H. Tyler
Tyler Law, LLP
25026 Las Brisas Road
Murrieta, California 92562
Attorney for Respondent

CERTIFICATE OF COMPLIANCE

I certify that the attached Respondent's Opposition uses a 13-point Century Schoolbook font and contains 6,880 words.



Robert H. Tyler, Esq.
Attorney for
Respondent

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:

RESPONDENTS CHAD BIANCO, RIVERSIDE COUNTY SHERIFF'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

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.

R Tyler

Robert H. Tyler

SERVICE LIST

Helen H. Hong State of California Department of Justice 600 W. Broadway, Suite 1800 San Diego, CA 92101 Email: helen.hong@doj.ca.gov *Counsel for Petitioner*	Electronically
Court of Appeal Fourth Appellate District 3389 12th Street Riverside, CA 92501	Mail
Superior Court Clerk Riverside County P.O. Box 431 Riverside, CA 92502	Mail