

Case No. S295901

IN THE SUPREME COURT

OF THE STATE OF CALIFORNIA

ATTORNEY GENERAL OF THE STATE OF CALIFORNIA,

Petitioner,

v.

CHAD BIANCO, AS SHERIFF, etc. et al.,

Respondents,

APPLICATION OF PROPOSED AMICUS, SAN BERNARDINO COUNTY
DISTRICT ATTORNEY'S OFFICE, AND PROPOSED AMICUS CURIAE
BRIEF IN SUPPORT OF NEITHER PARTY (RULES 8.487(E))

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(Service on the Attorney General required by rule 8.29(c), and as
Petitioner)

TO THE HONORABLE PATRICIA GUERRERO, CHIEF JUSTICE, AND TO THE HONORABLE ASSOCIATE JUSTICES OF THE SUPREME COURT OF CALIFORNIA:

The San Bernardino County District Attorney's Office (SBCDA) hereby makes application to this Court to file the accompanying proposed amicus curiae brief under rule 8.847(e) of the California Rules of Court.

SBCDA makes this application as the primary prosecutorial agency representing the People of the State of California for the County of San Bernardino.

Applicant's Interest in the Proceedings (Rule 8.250(f)(3))

SBCDA's interest in this litigation flows from two areas potentially impacted by any ruling of this Court. The first addresses the Attorney General's supervisory role over California's elected district attorneys, which is closely related to the same role over the state's elected sheriffs. The second is the potential authority that may result relating to a unique challenge to search warrants outside the bounds of the criminal law.

SBCDA, and the district attorneys of Riverside and San Mateo counties previously engaged in litigation against the Attorney General and others in a federal challenge to California's system of capital punishment. (See *Cooper v. Newsom* (9th. Cir. 2021) 13 F.4th 857 (*Cooper I*.) While the case turned on federal questions of intervention, advocacy included positions on the extent of the Attorney General's

supervisory role. “Such supervision ‘does not contemplate control, . . .’” (*Id.* at p. 871, fn. 3, dis. opn. of VanDyke, J., citing *People v. Brophy* (1942) 49 Cal.App.2d 15, 28.) “[T]he supervisory constitutional provision does not permit the Attorney General to dictate policy to a district attorney.” (*Ibid.*, citing *Goldstein v. City of Long Beach* (9th Cir. 2013) 715 F.3d 750, 756.)

The litigation concluded, at least temporarily, with the Ninth Circuit’s conclusion that the district attorneys’ intervention was not appropriate where the underlying questions before the federal District Court addressed the state’s execution protocol. (*Cooper I*, *supra*, 13 F.4th at pp. 868 – 869.) The *Cooper I* majority opinion, however, cannot be said to have reached a definitive conclusion, as one of the two majority-opinion circuit judges wrote separately to offer different rationale for the result. (*Id.* at pp. 869 – 870, conc. opn. of Forrest, J.) Moreover, although the Ninth Circuit entertained, then denied, its own motion for rehearing en banc, six circuit judges dissented from the denial, with three writing separate dissenting opinions. (*Cooper v. Newsom* (9th Cir. 2022) 26 F.4th 1104 (*Cooper II*).)¹

The underlying District Court case involved a group of California death row inmates challenging California’s capital punishment procedures. (*Cooper I*, *supra*, 13 F.4th at pp. 860 – 861.) Two events occurred during the pendency of the appeal

¹ The Supreme Court of the United States denied certiorari, with one justice voting to grant it. (*San Bernardino County District Attorney, et al. v. Cooper, et al.* (2022) 143 S.Ct. 287.)

in *Cooper I*, however, that cause the spectre of the case to loom in the background. First, Governor Gavin Newsom issued Executive Order N-09-19 in March 2019, which purported to place a moratorium on the use of capital punishment in California. (*Id.* at p. 862.) Second, the underlying suit was dismissed during the appeal. (*Ibid.*) That dismissal came with conditions, and the litigation will spring back to life if any of three events occur.² (*Id.* at p. 864.)

Since article V, section 13 of the California Constitution simultaneously defines the Attorney General's power of supervision over district attorneys and sheriffs, it appears quite likely that any decision this Court renders here that articulates the supervisory power with regard to one of those positions will naturally draw analogy in questions relating to the other. While there are some distinctions between the two offices in the resulting enabling statutes, the parallels between them in the realm of Attorney General supervision gives SBCDA significant interest in contributing to this Court's consideration of the issues.

SBCDA also holds a significant interest in the third question this Court presented to the parties: "Is the Attorney General entitled to a writ of mandate directing the superior court to quash or stay execution of a search warrant if the

² The three conditions would be (1), withdrawal of the Governor's Executive Order, (2) the adoption of a new execution protocol, or (3) if any district attorney or other state representative moves to set an execution date. (*Cooper I*, *supra*, 13 F.4th at pp. 863 – 864.)

warrant was issued in contravention of the Attorney General's directives or deficient on its face?" The final disjunctive in this question presents the seemingly novel issue of the potential quashing of a search warrant, which is itself a creature of criminal procedure, outside the confines of a criminal case. Depending on this Court's answer to that issue, the resulting complications to Fourth Amendment law and questions of standing within a criminal case give SBCDA ample reason to wish to contribute to the material considered by the Court.

While these two areas provide a well-based platform for the inclusion of SBCDA's proposed amicus brief, there is also a third area of underdeveloped law suggested by Respondents in this matter. Respondents' arguments included mention of the Attorney General's possible conflict of interest in the subject matter of the investigation during which Riverside County's election ballots were seized. Respondents accuse the Attorney General of "blatant partisanship [in support of] Proposition 50" (Respondents' Answer to Petition for Review at p. 16.) Respondents later suggest that that unfettered discretion in the hands of the Attorney General has the "potential to entirely undermine the justice system." (*Id.* at p. 29.) They continued with, "The Attorney General could stop any investigation of any crime committed by a political ally or family member." (*Ibid.*)

While there is a defined statutory framework in place within Penal Code section 1424 for the recusal of a district attorney with a conflict of interest in a case, the question of a potentially conflicted Attorney General lacks the same

statutory precision. If this Court does conclude that the Attorney General possesses more plenary power than that described by authorities other than this Court, how, then are matters in which the Attorney General is conflicted to be handled? With other litigation currently pending before this Court that could be impacted by answers to that question, SBCDA posits that district attorneys should endeavor to provide prosecutorial briefing on the matter.

Purpose and Assistance of Proposed SBCDA Brief (Rule 8.250(f)(3))

This case arises outside of a criminal prosecution, although its issues focus squarely on criminal procedures and the direction of criminal investigation within a community. While it presents itself as a power struggle between the Attorney General and the elected sheriff of a county, it appears inescapable that the resulting decision of this Court could cause substantial ripples throughout criminal practice.

The Attorney General's constitutionally-based supervisory role over law enforcement walks hand in hand with his role with California's district attorneys. As his interest in this matter stems from his attempt to wrest control either from, or over, a sheriff, the case may lack true prosecutorial input. Public safety issues may suffer in its absence.

SBCDA seeks to provide a prosecutorial point of view to the litigation, both from a pragmatic operational standpoint as

well as with a focus on how criminal procedure might be impacted in this state as a result of the underlying issues.

Authorship of the Brief (Rules 8.200(c)(3) & 8.487(e)(5))

SBCDA's proposed amicus brief was authored by signing counsel. No party or counsel to a party in the instant case contributed to its contents in any way, either as author or through monetary support. Similarly, no person or entity other than SBCDA and its counsel for these proceedings provided any monetary contribution for preparation or submission of the brief.

No artificial intelligence was used to draft the proposed amicus brief or this application. The undersigned authored all words, for good or ill.

Respectfully submitted this twenty-second day of May, 2026,

Respectfully submitted,



ROBERT P. BROWN,
Assistant District Attorney
San Bernardino County District
Attorney's Office

Case No. S295901

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ATTORNEY GENERAL OF THE STATE OF CALIFORNIA,

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COUNTY DISTRICT ATTORNEY'S OFFICE IN SUPPORT OF
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TABLE OF CONTENTS

TABLE OF AUTHORITIES	3
I. INTRODUCTION	5
II. THE ATTORNEY GENERAL’S SUPERVISORIAL POWER OVER SHERIFFS AND DISTRICT ATTORNEYS IS LIMITED	7
III. THE ATTORNEY GENERAL SEEKS TO EITHER SET HIMSELF AS AN APPELLATE COURT OVER THE SIGNING MAGISTRATE OR CREATE NEW FOURTH AMENDMENT LAW FOR THIRD-PARTY QUASHING OF WARRANTS	13
IV. THE UNRESOLVED, AND POSSIBLY UNRESOLVABLE, QUESTION OF ATTORNEY GENERAL CONFLICT	16
V. CONCLUSION	17
CERTIFICATE OF COMPLIANCE	19

TABLE OF AUTHORITIES

Cases

Supreme Court of the United States

California v. Ciraolo (1986) U.S. 207 15

Supreme Court of California

McHugh v. Santa Monica Rent Control Board (1989) 49 Cal.3d 348..... 14

People v. Arias (2008) 45 Cal.4th 169 12

People v. Kurland (1980) 28 Cal.3d 376..... 15

Venegas v. County of Los Angeles (2004) 32 Cal.4th 820 10

California District Courts of Appeal

Penrod v. County of San Bernardino (2005) 126 Cal.App.4th 185..... 10

People v. Brophy (1942) 49 Cal.App.2d 15..... 9, 12 – 13

People v. Tice (2023) 89 Cal.App.5th 246..... 11

Reaves v. Superior Court (1971) 22 Cal.App.3d 587 15

Smith v. Superior Court (2020) 52 Cal.App.5th 57 14

Federal Courts of Appeal

Brewster v. Shasta County (9th Cir. 2001) 275 F.3d 803 10, 13

Cooper v. Newsom (9th Cir. 2021) 13 F.4th 857 (*Cooper I*)..... 6, 17

Cooper v. Newsom (9th Cir. 2022) 26 F.4th 1104 (*Cooper II*) ..6

Goldstein v. City of Long Beach (9th Cir. 2013) 715 F.3d 750 10, 11, 13

Constitution of the United States

U.S. Const., 4th Amend..... 16

Constitution of California

Cal. Const., art. III, § 3	14
Cal. Const., art. V, § 13	<i>passim</i>
Cal. Const., art. VI, § 1	14
Cal. Const., art. XI, § 1, subd. (b)	10

Former Constitution of California

Former Cal. Const. art. V, § 21	9
---------------------------------------	---

Statutes

Gov. Code, § 12550	8
Gov. Code, § 12560	8 – 9, 11 – 12, 13
Gov. Code, § 12561	9
Pen. Code, § 808	14 – 15
Pen. Code, § 813	14
Pen. Code, § 1424	7, 16 – 17
Pen. Code, § 1524, subd. (a)(4)	14
Pen. Code, § 1538.5	15, 16

Federal Statute

42 U.S.C. § 1983	10
------------------------	----

Rules of Court

Cal. Rules of Court, rule 8.200(c)(5)	7
Cal. Rules of Court, rule 8.487(e)(5)	7

I.

INTRODUCTION

With the Attorney General and Riverside County Sheriff Chad Bianco locked in an unusual, executive-branch struggle over the control of a criminal investigation, this Court's clarification of the issues as it appears on the docket raises significant concerns that any resulting ruling may create an authoritative ripple effect in the world of criminal prosecutions. Consequently, the San Bernardino County District Attorney's Offices (SBCDA) asks this Court to consider issues presented in this amicus curiae brief that may be lurking in this case's wake as the Court crafts its views and holdings.

The Court's docket presents the following summary of the issues:

- (1) What is the scope of the Attorney General's constitutional and statutory authority to supervise and direct the activities of a county sheriff? . . .
- (2) Is the Attorney General entitled to a writ of mandate directing the Riverside Sheriff to comply with the Attorney General's directives, including the Attorney General's directive to cease the Sheriff's investigation into the November 2025 special election?
- (3) Is the Attorney General entitled to a writ of mandate directing the superior court to quash or stay execution of a search warrant if the warrant was issued in contravention of the Attorney General's directive or defective on its face?

In considering these issues, SBCDA sees significant parallelism to prior litigation before the federal Ninth Circuit Court of Appeals, in which SBCDA and two other district attorneys objected to the Attorney General's course of action in

civil litigation over California's system of capital punishment following Proposition 66. (See *Cooper v. Newsom* (9th Cir. 2021) 13 F.4th 857 (*Cooper I*) and *Cooper v. Newsom* (9th Cir. 2022) 26 F.4th 1104 (*Cooper II*). While those proceedings concerned completely different areas of the law, the Attorney General's assertions of supervisory power over district attorneys in that litigation strikes a familiar chord in view of similar argument here over the meaning of article V, section 13 of the California Constitution as it pertains to the state's elected sheriffs.³ The likelihood that this parallelism will inevitably invite analogous arguments in future litigation calls for prosecutorial perspective in the instant matter.

The Court's third area of inquiry, above, leads to another area of great concern for prosecutors: the bypassing of Fourth Amendment jurisprudence and standing requirements when a court faces a motion to quash a search warrant. If the Attorney General succeeds in the quashing of judicially-reviewed warrants without the nexus of an constitutional expectation of privacy in the items seized, the effectiveness of a long-standing body of search and seizure law would be rendered unstable. A new path for third-party quashing of warrants will have been created.

SBCDA's final area of concern arises from Respondent's arguments concerning an Attorney General's potential conflict of interest. With Respondent tying the Attorney General's

³ The Attorney General himself drew comparisons with his role in relation to district attorneys in his petition for writ relief. (Petition for Writ of Mandate (PWM) at pp. 42 – 43.)

interest in the outcome of Proposition 50 to this litigation,⁴ any conclusion that the Attorney General possesses plenary or near-plenary control over a county sheriff leads to questions of how an Attorney General's conflict of interest might be resolved. While statute spells out a prescribed course of action in addressing an alleged conflict of interest against district attorneys or city attorneys in their prosecutorial roles in Penal Code section 1424, no similar statutory schemes exist if the sitting Attorney General is found to be in control and conflicted.

While rules 8.200(c)(5) and 8.487(e)(5) require amicus curiae to identify which party, if any, an amicus brief supports, SBCDA lacks complete information about the Sheriff's investigation. Consequently, SBCDA's interest in this litigation is not based on the underlying facts, but rather the legal structure that could result from its outcome. SBCDA therefore supports neither party with this brief.

II.

THE ATTORNEY GENERAL'S SUPERVISORIAL POWER OVER SHERIFFS AND DISTRICT ATTORNEYS IS LIMITED

As is easily seen within his filings before this Court, the keystone of the Attorney General's argument flows from the language of the California Constitution.

The Attorney General shall have direct supervision over every district attorney and sheriff and over such other law enforcement officers as may be

⁴ Respondent's Return (Return) at pp. 29 – 30 & 37 – 38.

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 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.)

Two similar sets of statutes flow from this authority, one which addresses supervision over the district attorneys and one that describes aspects of supervision over the sheriffs. For the former, Government Code section 12550 begins with a restatement of the language of the state constitution, above, then provides,

When the Attorney General deems it advisable or necessary in the public interest, or when directed to do so by the Governor, the Attorney General shall assist any district attorney in the discharge of the district attorney's duties, and may, if deemed necessary, take full charge of any investigation or prosecution of violations of law of which the superior court has jurisdiction. In this respect the Attorney General has all the powers of a district attorney, including the power to issue or cause to be issued subpoenas or other process.

By way of comparison, Government Code section 12560, after recitation of the constitutional provision, then addresses the Attorney General's role with sheriffs:

Whenever the Attorney General deems it necessary in the public interest the Attorney General shall direct the activities of the any sheriff relative to the investigation or detection of crime within the

jurisdiction, and may direct the service of subpoenas, warrants of arrest, or other processes of court in connection therewith.

An additional statute pertains to sheriffs, however, which does not track the same line as that associated with district attorneys.

Whenever it deems in the public interest, the Attorney General may appoint some competent person to perform the duties of sheriff with respect to the investigation of a particular crime and cause the arrest of persons in connection therewith. Any person so appointed has all the powers of a sheriff with respect to the particular matter.

(Gov. Code, § 12561.)

Both state and federal courts have analyzed the Attorney General's supervision over the two offices in tandem, and in both cases have found that the state constitution and relevant statutes do not convert the district attorneys or sheriffs to agents of the Attorney General. As the parties recognize, supervision and control "[do] not contemplate absolute control and direction of such officials. Especially this is true as to sheriffs and district attorneys, as the provision plainly indicates. These officials are public officers, as distinguished from mere employees, with public duties delegated and entrusted to them." (*People v. Brophy* (1942) 49 Cal.App.2d 15, 28 (*Brophy*)⁵.) Indeed, such a reading is the only way to harmonize article V, section 13, since both district attorneys

⁵ *Brophy* interpreted former article V, section 21 of the California Constitution, whose language now rests in article V, section 13.

and sheriffs hold independently-elected, state constitutional offices. (Cal. Const., art. XI, § 1, subd. (b).) When acting as a law enforcement officer, the sheriff is a “state actor immune from liability” under 42 United States Code section 1983” (*Penrod v. County of San Bernardino* (2005) 126 Cal.App.4th 185, 190, citing *Venegas v. County of Los Angeles* (2004) 32 Cal.4th 820 and *Brewster v. Shasta County* (9th Cir. 2001) 275 F.3d 803 (*Brewster*).) The same is true of district attorneys acting in their prosecutorial roles. (*Goldstein v. City of Long Beach* (9th Cir. 2013) 715 F.3d 750, 756 – 760 (*Goldstein*).)

Reading the state constitution and statutes in a manner that suggests the Attorney General has the authority of a field commander over the district attorneys and sheriffs would necessarily remove their discretionary roles and undermine civil liability flowing from their decisions. (See *Brewster, supra*, 275 F.3d at p. 809, citing, inter alia, *Brophy*.) As it pertains to district attorneys, the Attorney General “is not given the power to force a district attorney to act or adopt a particular policy, but instead may step in and ‘prosecute any violations of law’ himself or herself.” (*Goldstein, supra*, 715 F.3d at p. 757, citation omitted.)

The *Brophy* court set forth the guiding principles. “It is at once evident that ‘supervision’ does not contemplate control, and that sheriffs and district attorneys cannot avoid or evade the duties and responsibilities of their respective offices by permitting a substitution of judgment.” (*Brophy, supra*, 49 Cal.2d at p. 28.) With both offices holding ultimate responsibility (and thus liability) for their actions, permitting

the Attorney General to dictate a particular course of prosecution or investigation would expose district attorneys or sheriffs (and therefore their counties⁶) to liability for the decisions of the Attorney General.

It is true that there are differences between the Attorney General's supervision over district attorneys and sheriffs. "The Attorney General has much greater supervisory power over sheriffs than district attorneys." (*Goldstein, supra*, 716 F.3d at p. 756, fn. 4.) Indeed, it is the precept that "the Attorney General's control over the district attorney is quite limited . . .," *Id.* at p. 756, that serves as SBCDA's prime interest in seeing that the distinctions in relation to the two offices is not blurred in this litigation. But even the control over the sheriff appears to be described in terms that related to affirmative conduct in furtherance of an investigation, rather than a mandate to stop one.

Statute speaks to the Attorney General directing a sheriff to "serve subpoenas, warrants of arrest or other processes of court in connection therewith." (Gov. Code, § 12560.) Presumably, the latter could contemplate search warrants, but authority on the issue appears to be scant.⁷ All of these areas

⁶ See, e.g., *People v. Tice* (2023) 89 Cal.App.5th 246, 253 ("[T]he sheriff's department is political subdivision of the county and not a separate legal entity [citation omitted]," for purposes of civil liability incurred by the sheriff.)

⁷ SBCDA admits to being somewhat stymied over an apparent possible persuasive authority addressing the extent of section 12560. Westlaw's Notes of Decisions indicates an Attorney General opinion of 1964 appearing at 43 Op.Atty.Gen. 40 and

flow from “activities” to further the “investigation or detection of crime . . .,” which might be something altogether different from an order to cease activity. Whatever may be the case, statute also appears to provide the Attorney General with an alternate course of action of which he has not availed himself. As the Sheriff himself notes,⁸ Government Code section 12560 grants the Attorney General the power to appointment another to independently act as sheriff for a given investigation. “Any person so appointed has all the powers of a sheriff with respect to the particular matter.” (*Ibid.*) The Attorney General’s arguments appear to bypass this statute in a way that could be viewed as considering it surplusage. Statutory surplusage, of course, is something this Court seeks to avoid. (*People v. Arias* (2008) 45 Cal.4th 169, 180.) Moreover, it is difficult to reconcile the Attorney General’s position that he has no remedy at law when he has not availed himself of all statutory tools implicated by his desires in this case.

Fundamentally, it is difficult for the Attorney General to get around *Brophy*’s holding, which is undoubtedly why he

addressing the matters about which the Attorney General may direct control over a sheriff. This opinion appears to be outside the coverage of on-line legal research services. The Attorney General’s own on-line web site providing access to opinions (<https://oag.ca.gov/opinions/yearly-index>) similarly does not go back far enough. Although the Attorney General asked this Court to take judicial notice of one of his office’s opinions from 1947 (Motion for Judicial Notice, filed Mar. 23, 2026), it appears to be a different opinion from the one referenced within Westlaw.

⁸ Return at p. 8.

seeks to avoid it by characterizing part of its pertinent language as dicta. (PWM at pp. 43 – 44, & fn. 7.) He cites to his own office's opinion as authority that *Brophy* cannot mean what it says, at least in part, because it predates the enactment of Government Code section 12560. But the cases that cite to *Brophy* for its limitation of Attorney General control, including *Brewster* and *Goldstein*, do not appear to see *Brophy*'s analysis as flawed or dicta. Indeed, if one removes *Brophy*'s discussion of the nature of the Attorney General's supervisory power and the role of sheriffs as public officers, little would be left of the case.

Extraordinary writ relief appears inappropriate under these circumstances.

III.

THE ATTORNEY GENERAL SEEKS TO EITHER SET HIMSELF AS AN APPELLATE COURT OVER THE SIGNING MAGISTRATE OR CREATE NEW FOURTH AMENDMENT LAW FOR THIRD-PARTY QUASHING OF WARRANTS

The Attorney General's objection to the search warrants sought and executed by the Sheriff is quite clear. But his desire to have this Court assist him in erasing the warrants only presents two paths, either of which are untenable and would create drastic shifts in the law as a result. Either the Attorney General believes that he can sit as an appellate court over the magistrate who authorized the warrants, or he seeks to invent a new type of standing for the quashing of search

warrants served on a third party. The first of these is repugnant to the separation of powers, while the second could have catastrophic implications across the criminal justice system.

Throughout his two filings before this Court, the Attorney General contends that the search warrant affidavits lacked the requisite probable cause to lead the magistrate to believe that execution of the warrants could result in seizure of an item or items providing evidence that a felony had been committed, or in the alternative, that a person had committed a felony, as two of the paths for a proper warrant under Penal Code section 1524, subdivision (a)(4). (See, e.g., PWM at p. 23) The reviewing magistrate reached a different conclusion, however. (Attorney General's Appendix of Exhibits at pp. 3 – 19.)

“The powers of state government are legislative, executive, and judicial. Persons charged with the exercise of one power may not exercise either of the others except as permitted by [the] Constitution. (Cal. Const., art. III, § 3.) The judicial power of this state rests in its courts. (Cal. Const., art. VI, § 1.) “[A]gencies not vested by the Constitution with judicial powers may not exercise such powers.” (*McHugh v. Santa Monica Rent Control Board* (1989) 49 Cal.3d 348, 356.) Executive officers “cannot exercise or interfere with judicial powers.” (*Smith v. Superior Court* (2020) 52 Cal.App.5th 57, 70.)

Only a magistrate may issue a warrant. (Pen. Code, § 813.) Magistrates include all judges in the state's courts. (Pen.

Code, § 808.) Penal Code section 1538.5 is the means in California by which a search warrant may be quashed. (*People v. Kurland* (1980) 28 Cal.3d 376, 383.) Consequently, the finding of proper probable cause (or the lack thereof) within a search warrant, and the review that decision, is quintessentially a judicial function.

The Attorney General proposes to substitute his judgment for that of the reviewing magistrate with the search warrants in this case. Not only would his proposal violate the separation of powers, any sanction of it by a court in this state would be an improper delegation of a judicial function. (See *Reaves v. Superior Court* (1971) 22 Cal.App.3d 587 [rejecting a process in which a superior court referred extraordinary writs to the district attorney's office for a review of factual information and proposed resulting orders].)

Incredibly, not only does the Attorney General recognize the lack of authority in doing what he suggests, he attempts to use it offensively to gain writ relief from this Court. "The Attorney General is neither the target of that warrant nor a defendant, and thus lacks standing to file a motion to quash." (PWM at pp. 57 – 58.) He therefore asks this Court to create an unheard-of mechanism to grant him a third-party quashing writ in the absence of any legal authority, while recognizing that the law otherwise requires standing in the form of a reasonable expectation of privacy in either an area to be searched or an item to be seized. (*California v. Ciraolo* (1986) 476 U.S. 207, 211.)

Neither SBCDA nor other state prosecutors might hazard a guess as to how such a vehicle for third-party quashing, if created, might be wielded as a sword through the criminal law. Such a weapon could cut the legs out from under Penal Code section 1538.5 and Fourth Amendment jurisprudence entirely.

IV.

THE UNRESOLVED, AND POSSIBLY UNRESOLVABLE, QUESTION OF ATTORNEY GENERAL CONFLICT

As described previously, SBCDA has no knowledge of the investigation that led to this litigation save that which has been filed with this Court. However, since Respondent has raised questions about the potential for a conflicted Attorney General, Return at pp. 29 – 30 & 37 – 38, the question of how such a conflict might be resolved could loom in this Court's headlights if the Attorney General is granted relief.

Where there are issues of actual or perceived conflict of a prosecutor at the local level, Penal Code section 1424 provides a statutory mechanism by which a district attorney or city attorney presence in the case may be challenged. The statute does not provide any similar structure if the prosecutor is the Attorney General. Nor does the jurisprudence of this state

shed much light on a process that could use section 1424 as a guide.⁹

While this Court or other California courts could certainly craft a judicial mechanism to address claims of conflict in the realm of a case in court, how could such a claim be resolved in an investigation such as the one here? SBCDA suspects the issue would be extremely difficult to solve, particularly with no court to develop a factual record. This thorny issue alone suggests that there must be a better path toward resolving the issues between the parties than the one the Attorney General is asking this Court to walk.

V. CONCLUSION

SBCDA is sufficiently distanced from the underlying investigation in this case to not support either side in this writ litigation. However, the Attorney General's desire for extraordinary relief from this Court generates far more sweeping issues than a struggle for executive control over a county investigation merits. The Attorney General's power does not reach the level he appears to wish under current authority, and an expansion of that authority by this Court would surely generate many unexpected issues to spring forth in other criminal litigation.

⁹ Although the parties raised the issue of a conflicted Attorney General in *Cooper I* and *Cooper II*, the issue was never addressed by the Ninth Circuit.

SBCDA respectfully asks this Court to consider these issues in its resolution of the matter.

Done this twenty-second day of May, 2026.

Respectfully submitted,

JASON ANDERSON,
District Attorney,



ROBERT P. BROWN,
Assistant District Attorney
San Bernardino County District
Attorney's Office

CERTIFICATE OF COMPLIANCE

I certify that the attached **PROPOSED AMICUS CURIAE BRIEF OF SAN BERNARDINO COUNTY DISTRICT ATTORNEY'S OFFICE IN SUPPORT OF NEITHER PARTY** uses a proportionally-spaced 13-point Bookman Old Style font and contains 3,186 words.

Done this 22nd day of May, 2026, at San Bernardino, California.

Respectfully submitted,



ROBERT P. BROWN,
Assistant District Attorney
San Bernardino County District
Attorney's Office

**OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SAN BERNARDINO
PROOF OF SERVICE BY ELECTRONIC FILING**

STATE OF CALIFORNIA

ss.

COUNTY OF SAN
BERNARDINO

} ***Attorney General of
the State of California
v. Chad Bianco, as
Sheriff, etc. et al.
S295901***

Robert P. Brown says:

That I am a citizen of the United States and employed in San Bernardino County, over eighteen years of age and not a party to the within action; that my business address is 303 W. Third Street, Sixth Floor, San Bernardino, CA, 92415.

That on May 22, 2026, I served the within:

**APPLICATION OF PROPOSED AMICUS, SAN BERNARDINO
COUNTY DISTRICT ATTORNEY'S OFFICE, AND
PROPOSED AMICUS CURIAE BRIEF IN SUPPORT OF
NEITHER PARTY (RULES 8.487(E)) and**

**PROPOSED AMICUS CURIAE BRIEF OF SAN BERNARDINO
COUNTY DISTRICT ATTORNEY'S OFFICE IN SUPPORT OF
NEITHER PARTY**

on interested parties by electronic filing with the Court's TrueFiling System, and by mail, where electronic service was not available.

Attorney for Petitioner, Attorney General of California
Helen Hong
Principal Deputy Solicitor General
State of California
Department of Justice
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Superior Court of Riverside County
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Riverside, CA 92501

I certify under penalty of perjury that the foregoing is true and correct, and that this declaration was executed at San Bernardino, California, on May 22, 2026.



Robert P. Brown

STATE OF CALIFORNIA
Supreme Court of California

PROOF OF SERVICE

STATE OF CALIFORNIA
Supreme Court of California

Case Name: **ATTORNEY GENERAL OF THE STATE OF CALIFORNIA v.
BIANCO**

Case Number: **S295901**

Lower Court Case Number: **E088096**

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

5/22/2026

Date

/s/Robert Brown

Signature

Brown, Robert (200844)

Last Name, First Name (PNum)

San Bernardino District Attorney

Law Firm