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Supreme Court of California
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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.*,
Respondent.

Fourth Appellate District, Case No. E088096

REPLY IN SUPPORT OF PETITION FOR WRIT OF MANDATE

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INTRODUCTION

In late February of this year, the Attorney General received alarming reports that Sheriff Chad Bianco of Riverside County had obtained warrants authorizing the seizure of ballots and other materials related to the November 2025 Special Election. (Petn. for Writ of Mandate (PFM) 21-23.) Rather than pause his investigation at the Attorney General's request, the Sheriff proceeded to seize some 650,000 ballots. (*Id.* at pp. 20, 23.) In response to this unprecedented emergency, the Attorney General ordered the Sheriff to share information about the investigation and cease further investigative steps while the Attorney General reviewed the case file and determined how to proceed. (*Id.* at pp. 23-29.) Those directives plainly fell within the Attorney General's power to exercise "direct supervision over every district attorney and sheriff." (Cal. Const., art. V, § 13.) Indeed, as former Attorney General Earl Warren and other proponents of adopting the supervisory power well understood, the Attorney General could not ensure that state laws are "uniformly and adequately enforced" (*ibid.*) if a rogue sheriff or district attorney could disregard the Attorney General's commands.

In his Return, Sheriff Bianco makes little effort to contest the Attorney General's authority to take the modest steps of seeking information about the investigation and ordering the Sheriff to pause it pending further review. Instead, the Sheriff asserts that the Attorney General has attempted to "shut down" the investigation (e.g., Return 20) and exercise "plenary operational control" over the Sheriff and his subordinates (e.g.,

id. at p. 7). To date, however, the Attorney General has done no such thing. Although the warrant affidavits reviewed by the Attorney General are facially deficient (see, e.g., PFM 50-57), and the Attorney General has grave doubts that the Sheriff will ever be able to produce information that would show probable cause of election crimes, the Attorney General has not yet reached any definitive conclusions.

In any event, the Sheriff misunderstands the scope of the Attorney General's supervisory authority. The plain meaning of the expansive terms in the Constitution and Government Code is that the Attorney General may "assume a paramount control" (*Sacramento County v. Central Pacific R. Co.* (1882) 61 Cal. 250, 254) of investigations carried out by sheriffs or district attorneys. That broad power necessarily encompasses authority to take control of—and when in the public interest, terminate—investigations ordinarily handled at the local level. So even if the Attorney General had taken the steps alleged by the Sheriff, or if the Attorney General opts to take those steps in the future, they would be lawful. The Sheriff offers no basis in text or history for limiting the Attorney General's power to "supervisory and substitutional" authority, as opposed to what he calls "operational control" or "command authority." (E.g., Return 26.)

Consistent with the Constitution's broad grant of supervisory authority, the Court should issue a writ directing Sheriff Bianco to follow the Attorney General's directives. Contrary to the Sheriff's assertions, he has a mandatory, ministerial duty to comply. And there is a profound public

interest in issuing a writ to protect the integrity of our State's elections. Absent a writ, the Sheriff would be free to continue his unfounded criminal investigation of election impropriety, sowing doubt among members of the public in the legitimacy of elections and threatening to encourage other sheriffs and local officials to question election results and take matters entrusted to elections officials into their own hands. In the Attorney General's view, those consequences are intolerable in a constitutional democracy.

ARGUMENT

I. THE ATTORNEY GENERAL'S EFFORTS TO SAFEGUARD PUBLIC TRUST IN ELECTIONS FALL SQUARELY WITHIN HIS EXPANSIVE SUPERVISORY AUTHORITY

A. The text and history of Article V, section 13 show that the Attorney General has broad power to oversee and direct a sheriff's activities

Article V, section 13 of the state Constitution makes the Attorney General the "chief law officer of the State" and gives him the "duty . . . to see that the laws of the State are uniformly and adequately enforced." (Cal. Const., art. V, § 13.) Consistent with that broad responsibility, section 13 also gives him "direct supervision over every district attorney and sheriff . . . in all matters pertaining to the duties of their respective offices." (*Ibid.*) At the time of that provision's 1934 enactment, dictionaries defined "supervise" to mean "[to] oversee for direction," "superintend" (e.g., Webster's 2d. New Internat. Dict. (1934) p. 2533)—in other words, "[t]o have or exercise the charge

and oversight of," "to oversee with the power of direction" (*id.* at p. 2531). Modern dictionaries provide a similar definition.[1]

Consistent with that ordinary meaning, this Court construed a statutory predecessor to section 13—which gave the Attorney General "supervisory power" over district attorneys—to empower him to "assume a paramount control and direction of the business" of the supervised official. (*Sacramento County v. Central Pacific R. Co.* (1882) 61 Cal. 250, 254.)[2] And the Legislature has implemented section 13 by authorizing the Attorney General to "direct the activities of any sheriff relative to the investigation or detection of crime." (Gov. Code, § 12560.)

The history of section 13 reinforces its expansive reach. The Attorney General's "direct supervision" over sheriffs and district attorneys was not a historical afterthought or accident. (Cal. Const., art. V, § 13.) It was carefully crafted to ensure that the Attorney General would have the tools necessary to serve as the

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[1] See, e.g., "Supervise," Webster's 3d. New Internat. Dict. (2002) p. 2296, ("oversee with the powers of direction and decision the implementation of one's own or another's intentions"); "Supervise," Oxford English Dict. (2012) <https://doi.org/10.1093/OED/7249301808> ("To oversee or direct the execution of (a task, activity, etc.); . . . to preside over; to superintend. . . . To oversee the work or conduct of (a person or group of people)").

[2] See also *State ex rel. Nolan v. Dist. Ct. of First Jud. Dist.* (1899) 22 Mont. 25 (Montana attorney general's "supervisory power" gave "right to oversee for direction, to inspect with an authority all matters pertaining to the duties of the county attorneys of the state, and to direct with superintending oversight the official conduct and acts of such officials"); *People v. Kempley* (1928) 205 Cal. 441, 445 (citing *Nolan* in addressing California Attorney General's related statutory authority).

State's "chief law officer" and see that state law is "uniformly and adequately enforced." (*Ibid.*)

Section 13 was adopted in essentially its current form in 1934, when voters ratified an amendment to modernize and expand the role of Attorney General. (Ballot Pamp., Gen. Elec. (Nov. 6, 1934) text of Prop. 4, adding former Cal. Const., art. V, § 21.)[3] Before this amendment, the California Attorney General's role was, as in many other States, circumscribed. It was a part-time post with a modest salary and a small purview that primarily involved serving as a legal adviser to other state officials. (See Stats. 1850, ch. 11, §§ 1-9, pp. 55-56; Warren, Memoirs of Earl Warren (1977) pp. 109-110.) The job was "considered almost a sinecure." (Warren, Memoirs, p. 109.) Although state law provided broad authority over district attorneys (Pol. Code, § 470, subd. 5 (1872)), that power was "seldom used," and there was no counterpart for sheriffs or other officials. (Warren, A State Department of Justice (Jul. 1935), 58 Ann. Rep. ABA, p. 319.)[4]

By the 1930s, this decentralized system had become "inadequate." (Ballot Pamp., Gen. Elec. (Nov. 6, 1934) argument in favor of Prop. 4, p. 9.) Each of the State's "276 incorporated cities and 58 counties [was] . . . handling its law enforcement work in its own way without supervision." (*Ibid.*) In response, a committee of the State Bar drafted a constitutional amendment

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[3] Available at <https://repository.uclawsf.edu/ca_ballot_props/319> (as of May 25, 2026).

[4] Available at <https://heinonline.org/HOL/P?h=hein.journals/anraba60&i=313> (as of May 25, 2026).

to centralize authority in the state Attorney General by conferring "direct supervision" over sheriffs (in addition to district attorneys), thereby giving the Attorney General the power to step in where local enforcement was failing. (See Comm. on Admin. of Justice (April 1934), 9 State Bar J. 98; see also Warren, Memoirs, *supra*, at p. 110 Ed. note [discussing "several major crimes" in the early 1930s that "[c]ontribut[ed] to Warren's conviction that statewide cooperation among law enforcement agencies was necessary" and that "the logical hub of a statewide coordinative system" was "the Attorney General's Office"].)

This proposal placed California at the forefront of a larger movement to centralize and professionalize law enforcement by establishing state departments of justice.[5] It was developed by a broad coalition of civil society groups throughout the State. (See Knowland, *California Girds for War on Crime* (Jul. 1934) vol. XXIV, No. 7, Cal. J. of Development 11, 16.) And because it stopped short of completely centralizing law enforcement—for example by eliminating local police and prosecutors and replacing them with state equivalents—it earned the support of the state peace officers' and district attorneys associations. (Beasley,

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[5] See, e.g., Proceedings of the Fifty-Seventh Annual Meeting of the ABA (Aug. 1934), p. 113 ("The American Bar Association recommends the creation, in each state, of a State Department of Justice, headed by the attorney-general . . . , whose duty it would be to direct and supervise actively the work of every district attorney, sheriff and law enforcement agency."); Report of Comm. on Uniform State Department of Justice Act, (Jul. 1935), pp. 244, 249-261 (discussing California amendment).

California Unifies Enforcement Agencies to Fight Crime (1934) 20 ABA J. 758; see also Warren, State Department of Justice, *supra*, at pp. 314-316 [discussing alternatives, including "complete state centralization" and creation of "a state police"].)[6]

Voters overwhelmingly approved the proposal. (Statement of Vote, Gen. Elec. (Nov. 6, 1934), p. 33 [70.3% in favor].)[7] Earl Warren, then-district attorney of Alameda County and a member of the drafting committee, wrote in support of the measure that it would "enlarge[] the duties of the Attorney General" by making him "supervisor and coordinator for our county law enforcement agencies." (Ballot Pamp., *supra*, p. 9.) After its passage, the judge who led the drafting committee emphasized that "*[t]he* vital force" of the amendment was the "provision that the attorney-general must exercise direct supervision over every district attorney and sheriff in the state." (Beasley, *supra*, p. 757, italics added.)

Within a year of Proposition 4's 1934 passage, the Legislature enacted several statutes further refining the powers and duties of the Attorney General. The statute governing supervision of sheriffs was adopted in 1935 (see Stats. 1935, ch. 575, § 4, p. 1670, adding former Pol. Code, § 479), and reenacted ten years later, with no substantive changes, as

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[6] Judge Beasley's article on the Attorney General provision is available at <https://heinonline.org/HOL/Page?handle=hein.journals/abaj20&id=783> (as of May 25, 2026).

[7] Available at <https://catalog.hathitrust.org/Record/007708503 > (as of May 25, 2026).

sections 12560 and 12561 of the Government Code.[8] As currently codified, section 12560 authorizes the Attorney General to "direct the activities of any sheriff relative to the investigation or detection of crime within the jurisdiction of the sheriff" and to "direct the service of subpoenas, warrants of arrest, or other processes of court in connection therewith." Section 12561 allows him to "appoint some competent person to perform the duties of sheriff with respect to the investigation or detection of a particular crime and cause the arrest of persons in connection therewith." The only limit on the exercise of these authorities is that the Attorney General must "deem[] it necessary in the public interest" to exercise it. (Gov. Code, §§ 12560, 12561.)

Subsequent developments reinforce the breadth of the "direct supervision" authority and its centrality to the role of the Attorney General. In 1965, following a ballot initiative designed to update the state Constitution, the California Constitution Revision Commission examined the text adopted in 1934 and determined that "California is the only state having such detailed provisions in its Constitution regarding the powers of the Attorney General." (Cal. Const. Revision Comm., Background Study 4 (Nov. 1965), p. 46.)[9] The Commission proposed removing the "direct supervision" provision from the Constitution and instead conferring that power by statute alone. (*Id.* at pp. 48-49.)

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[8] The 1935 statute is available at <clerk.assembly.ca.gov/sites/clerk.assembly.ca.gov/files/archive/Statutes/1935/35Vol1_Chapters.pdf#page=2> (as of May 25, 2026).

[9] Available at < https://catalog.hathitrust.org/Record/101692140> (as of May 25, 2026).

After learning of the proposal to eliminate the "direct supervision" provision, the Attorney General's Office pushed back strenuously, warning that the change would "profoundly affect the basic concept of law enforcement in the State." (Chief Deputy Attorney General Charles A. O'Brien, letter to Const. Revision Comm., Oct. 14, 1965, p. 1.)[10] The Attorney General's comment stated that the Commission's "most serious proposal is the one to strip the Attorney General of constitutional authority and supervision over law enforcement throughout the State"—a change that "would excise with one stroke of the pen the wisdom and foresight of some of the foremost organizations and leaders in this State in the early 1930's." (*Ibid.*) It explained that this amendment was the result of "one of the most comprehensive and widespread studies of any problem in the history of the State," and that "it had the complete blessing of those to be supervised, that is, local law enforcement agencies and district attorneys." (*Id.* at pp. 3, 5.) "[S]upervis[ion]," the comment stressed, was a deliberate and "efficien[t]" compromise that stopped short of "complete centralization . . . or the creation of a state police force." (*Id.* at pp. 4-5.) The comment also recounted several instances in which "corruption in local law enforcement" provided "vivid examples of the need for State supervision," before

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[10] For the Court's convenience, a copy of this letter is attached to this brief. (See Cal. Rules of Court, rule 8.520(h).) The records of the Constitutional Revision Commission, including this letter, are available at the California State Archives. As with the other historical materials cited in this brief, the Court may "consider" this letter "as an aid to [its[interpretation of the law." (See *People v. Martinez* (2023) 15 Cal.5th 326, 350, fn.16.)

concluding that this unique structure had "unequivocally" "fulfilled its promise." (*Id.* at pp. 5-6.)

After this pushback, the Legislature approved and the voters ratified a revision to Article V that left the supervisory authority of the Attorney General almost entirely untouched, making only minor grammatical changes to his substantive authorities and deleting clauses regarding funding and salary. (Ballot Pamp., Gen. Elec. (Nov. 8, 1966) text of Prop. 1-a, at p. 16, adding Cal. Const., art. V, § 13.) The only subsequent change was a 1974 initiative that removed gendered pronouns. (Ballot Pamp., Gen. Elec. (Nov. 5, 1974) text of Prop. 11, at p. 87.)

B. The modest steps taken by Attorney General Bonta to supervise Sheriff Bianco's investigation fall well within the supervisory power

Here, the breadth of the Attorney General's constitutional and statutory authority over sheriffs stands in stark contrast to the modest exercise of that authority in this particular matter. The Attorney General invoked his supervisory authority after he discovered that the Sheriff had obtained search warrants that, in his view, were not supported by probable cause. (PFM 19-28; Petn. for Review (PFR) 10-18.) As the Attorney General has explained, the warrants were facially deficient because they did not identify any reason to believe that a crime had been committed. (See generally PFM 22-28, 50-57; PFR 14, 18, 25-26.) Instead, the affidavits repeated the findings of an amateur community "audit" that purported to identify discrepancies in the November 2025 election results—findings that had already been publicly debunked by the Registrar of Voters. (Reply in Support

of PFR 14-18 [explaining why the "'audit' does not establish probable cause to believe there was any criminal wrongdoing"].)[11]

Having concluded that the warrants did not appear to be supported by probable cause, and having grave concerns about the unprecedented threat to public confidence in the integrity of elections posed by Sheriff Bianco's unusual investigation (see PFR 23-25), the Attorney General sought to work with the Sheriff "to understand the basis for [his] investigation" (Petitioner's Appen. of Exhibits (PA) 21). To that end, he requested that the Sheriff provide copies of the full case files related to 2025 election investigation and earlier investigations referenced in those affidavits. (PA 29.) And to give the Attorney General adequate time to evaluate the requested material, he directed the Sheriff to "pause further action in this matter until [the Attorney General's] office has had the opportunity to review it," and to "preserve all ballots, documents, or other materials that have been seized." (PA 22.) Each of those actions falls within the Attorney General's authority to "direct[ly] supervis[e]" the Sheriff

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[11] The amicus brief from the Riverside Election Integrity Team (REIT), the informal community group whose audit triggered the Sheriff's investigation, only reinforces that the purported discrepancy does not suggest any meaningful probability of *criminal* wrongdoing. REIT speculates that its inability to use handwritten forms and its own methodologies to recreate the Registrar of Voters' official count "may turn out to be fully explainable" and could be the result of "an error in the source records themselves, a definitional difference, or some other explanation." (REIT Br. 9.) But without more, a desire to test a series of potential, non-criminal explanations does not establish probable cause as required to conduct a seizure pursuant to a criminal search warrant. (See *post*, pp. 19-20.)

(Cal. Const., art. V, § 13), to "require . . . reports" (*ibid.*), and to "direct [the Sheriff's] activities" (Gov. Code, § 12560).

The Sheriff repeatedly ignored, resisted, and defied the Attorney General's orders. First, he disregarded the Attorney General's request that he briefly delay executing the warrants, instead accelerating his seizure of ballots from the Registrar of Voters. (PFM 23; PFR 14.) Next, after the Attorney General sent two letters ordering the Sheriff to pause his investigation and preserve the seized materials (PA 21-22, 24-25), the Sheriff proceeded with his purported "recount," in direct violation of those orders (PFM 23, 25-26; PFR 14-16). Finally, after receiving a third letter from the Attorney General (PA 29-30) and representing that he would comply with the orders to pause his investigation and share his files (PFM 26-27, PFR 17), the Sheriff obtained a third warrant, which he requested so that he could seek appointment of a special master and continue counting the seized ballots in direct violation of the order to pause investigative activities (PFM 27; PFR 17; contra Return 22 [characterizing third warrant as "purely procedural"]). He also held a press conference where he promised that his "investigation will continue despite AG Bonta's attempts to stop it." (PFM 27.)

C. The Sheriff offers no persuasive defense of his defiance of the Attorney General's directives

Each of the Sheriff's legal arguments is unpersuasive on its own terms. (*Post*, pp. 21-28.) More fundamentally, however, each rests on an inaccurate understanding of the limited steps that the Attorney General has actually taken. The Sheriff repeatedly asserts that the Attorney General has sought to "shut

down" or "terminate" the Sheriff's investigation (Return 7, 8, 10, 18, 20, 24, 26); that he claims the authority to "invalidate" or "nullify judicially issued search warrants" (*id.* at pp. 7, 26); and that he has attempted to "step into the shoes of the Sheriff" to "take control" of the investigation himself (*id.* at pp. 8, 29, 38). The Sheriff also invokes phrases like "absolute" or "plenary operational control," "absolute command authority," and "full charge" to describe the Attorney General's actions. (E.g., *id.* at pp. 7, 25-28, italics omitted.)

But the Attorney General has not taken any of those actions or purported to wield anything resembling "absolute command authority" or "plenary operational control." He has not prejudged the investigation, he has not claimed authority to nullify warrants, and he has not sought to take over the investigation for himself. To the contrary, he offered to "work together" with the Sheriff "to address the allegations." (PA 22.) All the Attorney General has asked is that the Sheriff share information, that he preserve the seized materials, and that he temporarily pause further action while the Attorney General reviews that information. (*Ante*, p. 17.)

To be sure, the Attorney General has made no secret of his view that—thus far—Sheriff Bianco has failed to provide any credible basis for his investigation. As discussed (*ante*, pp. 16-17), the warrant affidavits submitted to the superior court were facially deficient. (See also PFM 23-24, 45, 50-57; PFR 13-14, 25.) And at the time the writ petition in this case was filed, the Sheriff had not provided any other information that would

support a genuine need to investigate. (See PFM 26-29 [discussing the limited information shared with the Attorney General as of March 23, 2026].) Still today, the Sheriff all but admits that his investigation is a fishing expedition: he states that the investigation's purpose is to "test" *whether* there is any discrepancy in the election results (Return 16), and that the goal of his recount is "to prove or disprove" any fraud (PA 10). Probable cause requires more than a subjective "belie[f]" (Return 13) that a crime may have been committed or a desire to "prove *or disprove*" wrongdoing (PA 10, italics added); it requires "facts" that objectively support a "a strong suspicion . . . of a crime." (*People v. Kraft* (2000) 23 Cal.4th 978, 1037; see *People v. Westerfield* (2019) 6 Cal.5th 632, 659 [applying *Kraft* to search warrants].) If no further information emerges to substantiate the Sheriff's allegations, the Attorney General may well ultimately decide to order that the investigation be terminated. He may also order the Sheriff to move to quash the warrants and return the seized ballots to the Registrar. (See Pen. Code, §§ 1538.5, 1539, 1540.) But, again, the Attorney General has not yet taken any such steps.[12]

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[12] Since the filing of the petition and the Court's order granting review, the Sheriff has provided some—but not all—of the additional materials requested by the Attorney General. While those materials are not in the record here, the Attorney General notes that they have done nothing to change his views that the Sheriff's allegations of election improprieties are unfounded. For purposes of deciding this petition, however, the Court should focus on the facts in the record at the time that the petition was filed. (See, e.g., *American Distilling Co. v. City*

(continued…)

In any event, the Sheriff's understanding of the Attorney General's supervisory powers is flawed. The Sheriff repeatedly distinguishes between what he calls "supervisory and substitutional authority"—which he thinks the Attorney General *can* lawfully exercise—and "command authority," "plenary operational control," or the power to terminate investigations—which he views as illegitimate. (E.g., Return 25; see also *id.* at pp. 7-8, 25-29.) As discussed above, however, "supervisory" authority means "paramount control and direction of the business" of the supervised official. (*Central Pacific*, *supra*, 61 Cal. at p. 254; see *ante*, pp. 9-10.) It constitutionally extends to "all matters pertaining to the duties of" sheriffs. (Cal. Const., art. V, § 13.) And the implementing legislation for article V, section 13 authorizes the Attorney General to "direct the activities of any sheriff." (Gov. Code, § 12560.) To "direct" means to "instruct, order or *command*," or "to regulate or *control* the way (a person or thing) operates or behaves by giving orders." ("Direct," Oxford English Dict., *supra*, italics added.) The distinction that the Sheriff attempts to draw is thus untethered from ordinary definitions of the broad terms that appear in the Constitution and Government Code.

Sheriff Bianco objects to reliance on *Central Pacific*, *supra*, 61 Cal. 250, on the ground that it involved a district attorney, not a sheriff. But nothing in the Court's reasoning turned on that distinction. The Court's 1882 decision construed the word

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Council of City of Sausalito (1950) 34 Cal.2d 660, 666 ["The petitioner's right to relief is determinable by the facts as they existed at the time the [mandamus] petition was filed."].)

"supervisory." (*Id.* at p. 254.) That term is not materially different from the word that now appears in article V, section 13: "supervision." Given that the drafters of section 13 drew on the language of the statutory provision construed in *Central Pacific* (see Beasley, *supra*, at p. 757)—and given their intent to "enlarg[e]" the Attorney General's supervisory authority (Ballot Pamp., Gen. Elec. (Nov. 6, 1934), *supra*, p. 9)—it is reasonable to presume that the voters intended to adopt the expansive construction in *Central Pacific*. (See generally Frankfurter, *Some Reflections on the Reading of Statutes* (1947) 47 Colum. L.Rev. 527, 537 ["[I]f a word is obviously transplanted from another legal source, whether the common law or other legislation, it brings the old soil with it," quoted in *Scholes v. Lambirth Trucking Co.* (2020) 8 Cal.5th 1094, 1110].)

Nor does the intermediate appellate decision in *People v. Brophy* (1942) 49 Cal.App.2d 15 provide support for the Sheriff's understanding of the supervisory power. (See Return 28.) The scope and nature of the Attorney General's authority was not at issue in *Brophy*; the question was instead whether the Attorney General could "order a telephone company to discontinue its service." (*Brophy*, at p. 29.) In dicta, the Court of Appeal observed that the Attorney General lacks "absolute control and direction" over sheriffs and district attorneys. (*Id.* at p. 28.) The court did not say what it meant by "absolute control and direction." Nor did it make any attempt to ground its assertion in the text or history of the Constitution or its implementing legislation, which explicitly empowered the Attorney General to

"direct" sheriffs' activities. (Stats. 1935, ch. 575, § 4, p. p. 1670 [predecessor to Gov. Code, § 12560].) The Court's disposition of important issues today should not be controlled—or even influenced—by ill-explained dicta from nearly 85 years ago. (Cf. *Taking Offense v. State of California* (2025) 18 Cal.5th 891, 915 [refusing to rely on "problematic dictum" in decades-old case].)[13]

Turning away from constitutional text and precedent, the Sheriff attempts to cabin the Attorney General's authority to supervise *sheriffs* by drawing an inference from his statutory authority over *district attorneys*. The Sheriff points to section 12550, which authorizes the Attorney General to "assist any district attorney" and, "if deemed necessary, take full charge of any investigation or prosecution." In the Sheriff's view, the Attorney General's authority to "direct the activities of any sheriff relative to the investigation or detection of crime" under section 12560 is "materially narrower." (Return 27.)

But the Sheriff fails to explain that assertion. The Legislature enacted sections 12550 and 12560 to implement article V, section 13, which grants the Attorney General authority over sheriffs and district attorneys in textually identical terms: "direct supervision over every district attorney

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[13] In *Brewster v. Shasta County* (9th Cir. 2001) 275 F.3d 803, 809, the Ninth Circuit pointed to *Brophy*'s dicta in support of the determination that sheriffs qualify as local, not state, officers for purposes of section 1983 liability. This Court later disagreed with *Brewster*, finding its analysis unpersuasive. (See *Venegas v. County of Los Angeles* (2004) 32 Cal.4th 820, 834-836; see also 9 Ops.Cal.Atty.Gen. 74, 78 (1947) [criticizing *Brophy*'s discussion as "pure dicta"].)

and sheriff." (Cal. Const., art. V, § 13.) The purpose of that provision was, among other things, to give the Attorney General "power to replace any sheriff or district attorney in the prosecution of any criminal case if the interests of justice so warrant[]." (Warren, Memoirs, *supra*, p. 109.) And this Court has characterized the powers granted by sections 12550 and 12560 as "substantially identical." (*Venegas v. County of Los Angeles* (2004) 32 Cal.4th 820, 834.)[14]

That characterization follows from the broad statutory text, which provides the power to "direct"—that is, "[t]o regulate the activities . . . of," "to govern," "to *control*" (Webster's 2d, *supra*, p. 737, italics added)—*all* "activities of any sheriff relative to the investigation or detection of crime." (Gov. Code, § 12560.) It is immaterial that the Legislature used somewhat different language in section 12550, which specifies that the Attorney General's supervision of district attorneys can be exercised either by providing "assist[ance]" or by "tak[ing] full charge." Taken together, these two forms of supervision confer a substantially identical degree of control as the more general power to "direct the activities" of a sheriff. (See Gov. Code, § 12560.) As this

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[14] The Sheriff dismisses *Venegas* as irrelevant on the ground that it "concerned whether sheriffs act as state or local officers for purposes of section 1983 liability—not the scope of the Attorney General's operational authority over criminal investigations." (Return 28.) But the Sheriff misses the point. The two issues are inextricably linked. The Attorney General's broad authority over sheriffs under the Constitution and the Government Code played a central role in *Venegas*' conclusion that sheriffs should be treated as state officers for purposes of section 1983. (See 32 Cal.4th at pp. 833-834.)

Court has often recognized, "the Legislature can use different language to refer to the same ideas." (E.g., *Presbyterian Camp & Conf. Centers, Inc. v. Superior Court* (2021) 12 Cal.5th 493, 509.)

The minor difference in statutory language can also be understood in light of the distinct duties and functions of district attorneys and sheriffs. District attorneys have the duty to investigate and prosecute individual "public offenses." (Gov. Code, § 26500; see generally *id.* §§ 26500-26543.) Section 12550 thus naturally authorizes the Attorney General to "take full charge" of any particular "investigation or prosecution." Sheriffs' responsibilities are less definite. Sheriffs have a general duty to "preserve peace," a responsibility that includes but is not limited to individual investigations of specific crimes. (See Gov. Code, § 26600.) It is therefore unsurprising that section 12560 is not limited to control over individual investigations, but rather empowers the Attorney General more broadly to "direct the activities of any sheriff."[15]

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[15] At times, the Sheriff invokes considerations akin to those that apply under the federal anti-commandeering doctrine. (Compare, e.g., Return 26 with *Printz v. United States* (1997) 521 U.S. 898.) The Sheriff asserts, for example, that the Constitution "does not transform independently elected sheriffs into subordinate executive agents subject to complete operational micromanagement." (Return 26.) Again, the Attorney General has not done anything remotely close to that here. (*Ante*, pp. 18-19.) And it is not at all clear that "the unique federalism principles embodied in the United States Constitution" (*City and County of San Francisco v. Regents of University of California* (2019) 7 Cal.5th 536, 554) have any relevance to the relationship between the Attorney General and county sheriffs or district attorneys.

The Sheriff also argues that section 12561 implicitly limits the scope of the Attorney General's supervision authority. (Return 8.) Section 12561 authorizes the Attorney General to "appoint some competent person to perform the duties of sheriff with respect to the investigation or detection of a particular crime and cause the arrest of persons in connection therewith." In the Sheriff's view, this provision means that the Attorney General cannot exercise "operational control over sheriffs," because that power would render section 12561 "largely unnecessary." (Return 8.)

Again, the Sheriff's assumptions are unsupported. The power to substitute a sheriff in particular cases is a *complementary* power to the Attorney General's authority to direct a sheriff's activities. It expands, rather than limits, the Attorney General's options. Sometimes, the Attorney General may determine based on a variety of considerations—staffing availability, relative expertise, and the importance of the investigation, among other factors—that the most sensible approach is for the state-level Department of Justice to take full control and lead an investigation. At other times, he may conclude that the best use of resources is to delegate control through appointment of a substitute sheriff. For example, where a sheriff has a conflict with respect to a particular crime, appointing a substitute may be the best way to ensure an

independent investigation.[16] And where a criminal enterprise transcends "narrow city and county lines," appointing a substitute with jurisdiction not limited to a single county can be appropriate. (See, e.g., Kidd, *The Work of the California State Bar Committee on Crime* (Dec. 1934) 14 Or. L.Rev. 165, 167 [explaining that one reason for "direct supervision" authority was the inability of local officials to coordinate across jurisdictions].) The Court should not transform a statute designed to *expand* the Attorney General's powers into a *constraint* on his ability to see that state laws "are uniformly and adequately enforced." (Cal. Const., art. V, § 13.)

Finally, the Sheriff emphasizes that he is "independently elected." (E.g., Return 7, 10, 24.) But of course, so is the Attorney General. The Attorney General, not the Sheriff, has been entrusted by the State's voters with authority to serve as California's "chief law officer." (Cal. Const., art. V, § 13.) The Attorney General has enormous respect for the work of our State's sheriffs in serving their constituencies. And he does not lightly decide to issue a directive countermanding a sheriff's

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[16] This mechanism could also be appropriate if the Attorney General had a conflict. (Contra Amicus Br. of San Bernardino County District Attorney's Office 16-17 [suggesting lack of statutory framework for Attorney General conflicts].) But this case does not present a conflict issue. The Attorney General does not have a conflict here simply because he independently reviewed the Sheriff's evidence and determined that it does not show probable cause. (Contra Return 29-30.) If the Attorney General ultimately determines that the investigation should be terminated, that is not a sign of an ethical conflict; it is merely a natural follow-on consequence of the Attorney General's exercise of his expansive supervisory authority.

investigative efforts. (PFM 43.) But when he decides that such action is appropriate and in the public interest, the Constitution makes clear that he has the power to do so. Heeding that constitutional command is especially important where, as here, the disagreement between the Attorney General and a county sheriff threatens uniform enforcement of the State's election laws and public trust in the integrity of elections. (*Id.* at pp. 45-47.)

II. MANDAMUS RELIEF IS NECESSARY TO ENFORCE THE SHERIFF'S MANDATORY, MINISTERIAL DUTY TO FOLLOW THE ATTORNEY GENERAL'S ORDERS

The Sheriff's defiance of the Attorney General's authority warrants a writ of mandate. The Sheriff does not dispute that the issues presented here "are of sufficiently great importance and require immediate resolution." (See *California Redevelopment Assn. v. Matosantos* (2011) 53 Cal.4th 231, 253; see PFM 17-19; PFR 27-31.) He does not question that "the Attorney General plainly has a beneficial interest." (See PFR 28; see generally *People ex rel. Dept. of Conservation v. El Dorado County* (2005) 36 Cal.4th 971, 988-995 [state agencies and officers have a beneficial interest in seeking compliance with laws entrusted to their enforcement].) And he does not suggest that there is any other adequate alternative remedy. (See PFM 18-19, 30-32, 57-58; PFR 28; cf. *Musicians Union, Local No. 6 v. Superior Court* (1968) 69 Cal.2d 695, 700, fn. 2 ["The absence of another adequate remedy was determined when we granted the alternative writ."].)

The Sheriff's principal argument against mandamus relief is his assertion that he does not have a "clear, present, and

ministerial duty" to comply with the Attorney General's orders. (Return 23.) But the Sheriff misunderstands what it means for a duty to be "ministerial." "'A ministerial act is an act that a public officer is required to perform in a prescribed manner in obedience to the mandate of legal authority and without regard to his own judgment or opinion.'" (*Kavanaugh v. West Sonoma County Union High School Dist.* (2003) 29 Cal.4th 911, 916, quoting *Rodriguez v. Solis* (1991) 1 Cal.App.4th 495, 501.)

Here, the Attorney General's orders leave the Sheriff no discretion. The Attorney General ordered the Sheriff to "provide . . . copies of the case file(s)" (PA 29), to "pause further action in this matter," and to "preserve" all seized materials (PA 22). These directives *require* the Sheriff to take specific actions. They fall comfortably within the Attorney General's supervisory authority and leave no room for the Sheriff's exercise of discretion. The Sheriff has no independent authority to second-guess or disregard the Attorney General's directives; he has a mandatory duty to comply. (Cal. Const., art. V, § 13; Gov. Code, § 12560; see also PFM 49.)

The Sheriff argues that investigative decisions are "quintessentially discretionary." (Return 24.) He asserts that his "decision to investigate alleged election irregularities" and "seek judicial warrants" "involved precisely the type of discretionary law enforcement judgments that are not subject to mandamus." (*Id.* at p. 25.) The Sheriff is correct that, in general, a sheriff's responsibilities require judgment and discretion. But here, the Attorney General's orders removed that discretion. Whether the

Sheriff generally has discretion to determine whether to pause an investigation or move forward is immaterial. The relevant question is whether the obligation to follow the Attorney General's orders allows any discretion. It does not.

Nor would mandamus relief in this matter "undermine[] separation of powers principles." (Return 35, capitalization omitted.) The Sheriff's theory is that the Attorney General has effectively sought to override orders "of the Riverside County Superior Court" regarding "the disposition, transfer, or use of seized evidence." (*Ibid.*) That is incorrect. As discussed above (*ante*, pp. 18-19), the Attorney General has merely directed the Sheriff to provide information about his investigation and pause any further investigative steps. Although the Attorney General did seek to quash the third warrant issued by the superior court (PFM 50-57), he sought that relief through proper channels: an order from an appellate tribunal with authority under our constitutional framework to review and reverse a superior court's orders. (See Cal. Const., art. VI, § 10.) And when the Attorney General petitioned for review before this Court, he opted not to renew that request. (See PFR 20, fn.4.) Although the Attorney General continues to believe that the warrants obtained by the Sheriff were facially deficient, he opted not to pursue mandamus relief to quash the warrant because, by the time that the case reached this Court, the warrant had been executed. (PFR 18-19.)

The informal summary of issues for this case on the Court's website includes the following: "(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 directives or deficient on its face?" In the Attorney General's view, the Court need not decide that issue because it was not presented in the petition for review and lacks practical importance at this juncture. As a practical matter, the best way to resolve this case would be to confirm the broad scope of the Attorney General's supervisory power and direct the Sheriff to comply with the Attorney General's orders to date. The Attorney General could then rely on this Court's reasoning to take additional steps, as needed and consistent with the Court's opinion.

At this point, the Attorney General's plan is to carefully review all information shared by the Sheriff and then make an assessment about appropriate next steps. For example, assuming that this Court confirms the expansive scope of the Attorney General's supervisory authority (*ante*, pp. 9-16, 18-28), and information shared by the Sheriff reveals no legitimate basis for further investigative efforts, the Attorney General could order the Sheriff to discontinue the investigation and take the steps required to return any remaining ballots or other evidence that have not yet been returned to the Registrar.[17] Nothing in such an order would defy the warrants issued by the superior court. It is common for law enforcement agencies to return seized evidence

[17] The parties have filed letter briefs addressing how to handle the ballots pending resolution of the case. As the Attorney General has explained, the Elections Code supports immediate return of the ballots to the Registrar. (See April 15, 2026 Letter Br. 5; April 20, 2026 Letter Br. 1.)

following the completion of an investigation. (See, e.g., Pen. Code, §§ 1538.5, 1539, 1540.) And far from undermining the separation of powers, adherence to the Attorney General's directives in this case would advance the goals of our Constitution's Framers, including former Attorney General Earl Warren, who sought to "develop[]" "the office of attorney general" "into an extremely important arm of the state government" (Warren, Memoirs, *supra*, at p. 109), with authority to see that the State's laws, including its election laws, are uniformly and adequately enforced.

CONCLUSION

The relief requested in the Attorney General's petition for writ of mandate should be granted.

Respectfully submitted,

ROB BONTA
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SAMUEL T. HARBOURT (SBN 313719)
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s/Helen H. Hong

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Attorneys for Petitioner

May 26, 2026

ATTACHMENT

Pursuant to California Rules of Court, rule 8.520(h), the Attorney General attaches an October 14, 1965, letter from Chief Deputy Attorney General Charles A. O'Brien transmitting comments on the Constitutional Revision Commission's proposed revision of the constitutional powers of the Attorney General. (See *ante*, pp. 15-16.) The original copy of this letter is in the California State Archives (Record No. F3675:154), along with the full records of the Constitutional Revision Commission. This citable document may not be readily accessible to the Court, the parties, or the public, and does not exceed a total of 10 pages. (See Cal. Rules of Court, rule 8.520(h).)

THOMAS C. LYNCH
ATTORNEY GENERAL

STATE OF CALIFORNIA

CHARLES A. O'BRIEN
CHIEF DEPUTY ATTORNEY GENERAL

OFFICE OF THE ATTORNEY GENERAL
Department of Justice
STATE BUILDING, SAN FRANCISCO 94102

October 14, 1965

Mr. Richard L. Patsey
Special Counsel
Constitutional Revision Commission
Office of Legislative Counsel
3021 State Capitol
Sacramento, California 95814

Dear Mr. Patsey:

On September 27, 1965, you wrote to us enclosing a proposal by the Committee on Executive Powers which would drastically revise the functions of the Attorney General's Office and profoundly affect the basic concept of law enforcement in the State.

Since this was the first that we knew of this revolutionary proposal, it caught us quite unawares and, indeed, has caused a certain amount of consternation in a wide variety of concerned agencies. I enclose our initial reaction to these proposed revisions which sets forth some of the history of the 1934 constitutional amendment as well as some comments relating to its success.

If necessary, we should appreciate an opportunity to discuss this matter further with the committee and/or the commission at a convenient date.

Yours very truly,

CHARLES A. O'BRIEN
Chief Deputy Attorney General

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encl.

COMMENTS ON PROPOSED REVISION OF CONSTITUTIONAL POWERS OF THE ATTORNEY GENERAL

On September 27, 1965, a preliminary staff report to the Committee on Executive Powers of the Constitution Revision Commission was made public. Proposed changes in Article V of the Constitution, including section 21 concerning the powers of the Attorney General, were set forth for the Committee on Executive Powers, to be studied by that Committee and recommended to the entire commission at some later date.

The thrust of the proposed revision may be stated very simply: All of the powers conferred upon the Attorney General by virtue of the initiative passed by the people in 1934 would be removed from the Constitution and left to the vicissitudes of legislative control. While there are serious shortcomings to the matters in section 21 concerning the Attorney General's salary and his power to obtain additional operating funds from the Governor and the Controller, by far the most serious proposal is the one to strip the Attorney General of constitutional authority and supervision over law enforcement throughout the State. With the announced goal of "cleaning up" our Constitution, the drafters of this proposed change would excise with one stroke of the pen the wisdom and foresight of some of the foremost organizations and leaders in this State in the early 1930's. A great debate raged among public officials, and particularly those

concerned with law enforcement, throughout the decade of the 1920's. This debate concerned itself with the emergence of a new kind of criminal, one taking full advantage of technological advances in communication and transportation to murder, extort, rob and cheat the public.

The focus of the concern was the inability of localized and often under-staffed sheriffs departments and police agencies to deal with this type of new criminal.

The National Conference of Attorneys General had debated the possibility of centralizing law enforcement for several years. See 30 Nat'l. Assoc. Attys. Gen. Proceedings 85-92 (1936). Several alternative solutions were proposed, ranging from complete centralization of all law enforcement in a Department of Justice headed by the Attorney General, encompassing detention, apprehension and prosecution, to a modified centralization proposal where a State police force would be created to enforce the law with prosecutors working directly under the Attorney General. Many other variations were discussed and debated.

However, the American Bar Association and the Commissioners on Uniform State Laws favored a different plan. The State Department of Justice would have general supervisory power over the sheriffs and police but not over prosecutors. Moreover, the Department would encompass a criminal identification bureau to assist local agencies in the technical aspects of crime detection and prevention. That proposal would have added to most state governments a completely new departmental structure with all of the attendant expenses and reorganization inherent

in such a plan. See First Tentative Draft of Uniform State Department of Justice Act, 1935 Handbook and Proceedings of the National Conference of Commissioners on Uniform State Laws, pp. 249-61.

Out of this atmosphere of study and change emerged the existing California constitutional provision. A series of dramatic events in California in 1933 triggered the change. Several instances of violence and kidnapping dramatically illustrated the impotence of strictly local police agencies to deal with essentially statewide law enforcement. Unlike the criminals involved in these particular acts, those agencies had very definite boundaries, artificial, but nonetheless effective to circumscribe them in their law enforcement activities. Political considerations arising out of jealousy, for whatever purposes, resulted in federal officials having to be called in to solve what was essentially a state problem.

Prior to 1934, every state in the Union, including California, had an attorney general or a similar counterpart and some had a nominal Department of Justice. However, the powers of the attorneys general were limited primarily to civil matters and some nominal law enforcement duties. In 1933, the impotence of local California law enforcement to deal with crime on a broad scale set into action one of the most comprehensive and widespread studies of any problem in the history of the State.

Led by law enforcement itself through the Peace Officers' and District Attorneys Associations, the people of California began to search for a solution. It was quickly apparent that some kind of centralization was essential. However, the

alternatives of complete centralization in a state the size of California or the creation of a state police force, with the inherent repugnancy that such a proposal generated, were quickly discarded. In their place, a proposal unmatched in both governmental efficiency and economy was settled upon.

Without the necessity of creating a new bureaucratic device, and within the existing framework of California government, the foundation for a State Department of Justice in the truest sense of the word was laid.

The State Chamber of Commerce, the Commonwealth Club of San Francisco, the California State Bar Association, Judges' Associations, the California Federation of Women's Clubs, the California League of Women Voters, and most importantly, the State's Peace Officers' and District Attorneys' Associations, combined their tremendous intellectual resources and hammered out the present constitutional provision. For a concise history of this movement, see Earl Warren, A State Department of Justice, 60 Am. Bar Assn., Repts. 311 (1935), and the Report of the Hon. William A. Beasly, Chairman of the Subcommittee on the Administration of Justice of the State Bar of California, 20 Am. Bar Assoc. J. 757-59 (1934). See also, Joseph R. Knowland, California Girds for War on Crime, 24 Calif. J. Development 11 (1934); 10 Transactions 147, Commonwealth Club of California (1934); Argument in Favor of Initiative Proposition No. 4, Report of Secretary of State (1934); Professor A. M. "Captain" Kidd, The Work of the California State Bar Committee on Crime, 14 Oregon Law Review 165 (1934-35).

4.

Initiative No. 4 was passed on November 2, 1934. This was not an ordinary initiative in the pattern of current abuses of that legislative device. Some of the foremost citizens and scholars of the State studied and supported it, and it had the complete blessing of those to be supervised, that is, local law enforcement agencies and district attorneys.

The obvious question then becomes: Has this structure fulfilled its promise? The answer unequivocally is in the affirmative. California today is the only state in the United States with an effective and efficient Department of Justice in the literal sense of that word. Perhaps the greatest measure of its success is the continuing efforts of local law enforcement agencies to guarantee cooperation. The Attorney General's law enforcement relationship is a very delicate one. A very strong policy against state intervention in local affairs underlies his entire approach.

On the other hand, attorneys general since 1934 have constructed a Department of such scope and magnitude that local police can have access (1) to a file of millions of fingerprints within a matter of minutes, (2) the services of an expert, full-time criminalist for detecting and prosecuting criminals, (3) the inestimable value of current and comprehensive statistics on crime, and (4) the expertise and long experience of narcotic agents with no other mission but to aid local communities to ferret out and prosecute narcotics violators.

The wisdom of the framers of this initiative is readily apparent when instances of corruption in local law enforcement or other administrative offices come to the surface. Payoffs by criminal elements to the sheriff in Del Norte County and an accusation

of misconduct in office against the District Attorney of Santa Cruz County in recent years are vivid examples of the need for State supervision of local law enforcement agencies. In addition, without this framework of responsibility and power, the prosecution of judges in Mendocino County for conspiracy to obstruct justice in 1963 would have been far more difficult. And, of course, the vital role being played by the Attorney General in the current assessor scandals is absolutely indispensable, since these corrupt practices spread over many of the 58 counties in this state as well as other states in the country. No single county law enforcement officer could possibly investigate and coordinate this type of situation without the power and prestige residing in the Attorney General by virtue of his constitutional mandate.

Moreover, on the date of this writing, the Attorney General's office is actively trying five criminal cases. These cases arose in Orange, Los Angeles, Kings and Lassen counties. Three of these cases are murder cases. The fourth case involves a vice conspiracy and the fifth involves a prosecution of a judge for misappropriation of public funds. For brief comments on the effectiveness of the Department of Justice in this state see Report of the Committee on State Reorganization, Griffenhagen and Associates, Report No. 30, July 12, 1937; Crouch, McHenry, Bollens and Scott, California Government and Politics 155 (1964).

Notwithstanding this background, the authors of this report recommend the drastic step of deletion of constitutional language solely because California is the only state having

such detailed provisions in its Constitution. The report merely states that, in contrast, about half the states merely provide that the Attorney General shall have the powers and duties prescribed by law, and concludes, "It would seem that this lengthy provision could be transferred to the statutes."

The Attorney General's salary was tied to that of an associate justice of the Supreme Court by the framers of the 1934 initiative. They felt that the Attorney General was basically a quasi-judicial officer meriting a salary second only to the Chief Justice of the State Supreme Court.

This report makes a very critical change in this provision in that it provides that the Attorney General's compensation shall not be increased or diminished during his term of office.

The report's justification for this departure ignores the view of the Attorney General as a quasi-judicial officer. The author of the report sees that salary provision only as a deterrent to the Attorney General engaging in private practice.

As lawyers, we do not deem it unreasonable to expect that sound justification accompany proposed change. This precept takes on even more importance when the expressed will of the people is under attack. Certainly, the unsupported conclusory statement that this constitutional language could be transferred to the statutes provides no justification at all. No reasons are given in support of the conclusion that legislative control is essential; no discussion, either legal or political, is tendered other than the equivocal and vague opinion of the Legislative Counsel that this shift <u>might</u> be legal, or <u>might</u> with some patching be sufficient. See Ops. Leg. Counsel, Nos. 103 and 104 (1965).

The obvious question we ask is why embark on a tenuous and uncertain course when an unequivocal and positive framework exists within the Constitution? In sharp contrast to the vagueness of the reasoning behind this proposed change, we feel that the historical considerations set out above provide positive, affirmative support for the present constitutional provision.

CERTIFICATE OF COMPLIANCE

I certify that the attached Reply uses a 13-point Century Schoolbook font and contains 6,722 words.

ROB BONTA
Attorney General of California

s/ Helen H. Hong

HELEN H. HONG
Principal Deputy Solicitor General
Attorneys for Petitioner

May 26, 2026

DECLARATION OF ELECTRONIC AND MAIL SERVICE

Case Name: *Attorney General of the State of California Rob Bonta v. Riverside County Sheriff Chad Bianco, et al.*, No. S295901

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collecting and processing electronic and physical correspondence. Correspondence that is submitted electronically is transmitted using the TrueFiling electronic filing system. Participants who are registered with TrueFiling will be served electronically.

On May 26, 2026, I electronically served the Attorney General's **Reply in Support of Petition for Writ of Mandate** by transmitting a true copy via this Court's TrueFiling system.

I also electronically served the aforementioned documents by emailing them to the following individual, counsel for Respondents Sheriff Chad Bianco and Riverside County Sheriff's Office, as a courtesy:

Robert H. Tyler
Tyler Law, LLP
E-Mail: rtyler@tylerlawllp.com

Because one or more of the participants in this case have not registered with the Court's TrueFiling system or are unable to receive electronic correspondence, on May 26, 2026, I placed a true copy thereof enclosed in a sealed envelope in the internal mail collection system at the Office of the Attorney General at 600 West Broadway, San Diego, CA 92101, addressed as follows:

Court of Appeal
Fourth Appellate District
3389 12th Street
Riverside, CA 92501

Robert H. Tyler
Tyler Law, LLP
25026 Las Brisas Road
Murrieta, CA 92562

Based on the Office's practice of collecting and processing correspondence for mailing, the envelope will be deposited in the ordinary course of business with the U.S. Postal Service today in a sealed envelope with postage fully prepaid.

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on May 26, 2026, at San Diego, California.

Helen H. Hong	*s/ Helen H. Hong*
Declarant	Signature

Supreme Court of California
Jorge E. Navarrete, Clerk and Executive Officer of the Court
Electronically FILED on 5/26/2026 by Tayuan Ma, Deputy Clerk

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**

1. At the time of service I was at least 18 years of age and not a party to this legal action.

2. My email address used to e-serve: **helen.hong@doj.ca.gov**

3. I served by email a copy of the following document(s) indicated below:

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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.

5/26/2026
Date

/s/Helen Hong
Signature

Hong, Helen (235635)
Last Name, First Name (PNum)

California Department of Justice, Office of the Solicitor General

Law Firm