YOLO SUPERIOR COURT FOR THE STATE OF CALIFORNIA

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, vs. CARLOS REALES DOMINGUEZ, Defendant.	Case No.: CR-23-1391 VERIFIED ANSWER BY JUDGE SAMUEL T. McADAM PURSUANT TO CCP SEC. 170.3 (C)(3)

I, Samuel T. McAdam, pursuant to Code of Civil Procedure sec. 170.3 (c)(3) hereby submit this Verified Answer to the People's Statement of Disqualification filed December 16, 2025.

Background

1. I have been a judge on Yolo Superior Court for over 17 years. As discussed more below, I have served on every assignment in the Court, including as the Presiding Judge during the Pandemic.

2. On May 5, 2023 at the arraignment hearing, I was assigned for all purposes to this case. I have presided over every substantive hearing in this case since that time, including two jury trials.

3. The first trial was on the issue of the defendant's competency. It commenced July 24, 2023. Here is the statement of the case agreed upon by the parties and read to the jury panel: "This is a competency trial, meaning the jury we select today will decide whether Carlos Dominquez is mentally competent to stand trial. A criminal defendant is mentally incompetent, if as a result of a mental health disorder, the defendant is unable to understand the nature and purpose of the criminal proceedings or to assist counsel in the conduct of a defense in a rational manner or to understand his own status and condition in the criminal proceedings. Carlos Dominquez is presumed competent at this point. The defense has the burden of proof -- by a preponderance of evidence -- to prove in this trial that he is not competent. The prosecution believes that the defendant is competent to stand trial. The defendant is charged with the murder of two individuals and the attempted murder of a third; these charged incidents occurring in

April 2023 in Davis. The question of his guilt or innocence is not before this Court. Rather, the sole question is competency."

4. The competency trial ended mid-trial when the Prosecutor changed its position and stipulated that the defendant lacked competency. The jury was thanked and discharged. The Court then issued a commitment Order directing the defendant be transported to the State Hospital for restoration under the care of mental health doctors.

5. More than one year after restoration, the second jury trial commenced on April 28, 2025. It was to be conducted in two phases, guilt and then sanity. Here is the Statement of the Case agreed upon by the parties and read to the jury: "This case involves three stabbings that occurred in the City of Davis on or about April 27, 2023, April 29, 2023, and May 1, 2023, which resulted in the deaths of two men named David Breaux and Karim Abou Najm, and an injured woman named Kimberlee Guillory. The defendant is charged with two counts of murder, one count of attempted murder and various enhancements. He has pled Not Guilty and Not Guilty by reason of insanity."

6. The second trial ended in an acquittal of the defendant as to the two first degree murder charges involving the

killings of Mr. Breaux and Mr. Abou Najm and a mistrial on the lesser-included offense of second-degree murder and the attempted murder of Ms. Guillory. Thus, the jury did not address the lesser-included offense of involuntary manslaughter. I polled the jury on the second-degree murder charge as to Mr. Breaux and the jury's impasse vote was 10-2 in favor of an acquittal. Note, the defendant had conceded that he committed a crime and asked the jury to return a verdict of involuntary manslaughter in favor of the Prosecution.

7. As a result of the mistrial, the jury was discharged and there was no sanity phase of the trial. The parties stipulated to a retrial set on January 20, 2026. Good cause has been found to continue that trial date, and the matter is now pending trial setting on January 22, 2026 at 1:30 pm.

8. Under Code of Civil Procedure sec. 170, I have an ongoing duty to continue to preside over this case. It is fundamental under CCP sec. 170 that "[a] judge has a duty to decide any proceeding in which he or she is not disqualified." Judicial responsibility does not require shrinking every time an advocate asserts the objective and fair judge appears to be biased. (*Wechsler* at 391,

citing *Haworth* at 392.) The duty of a judge to sit when not disqualified is equally as strong as the duty not to sit when disqualified. (*Id.*)

9. I deny that I am biased against the Prosecution in this case, and I further deny that I have made any decision or engaged in any conduct that would present the reasonable appearance of bias against the Prosecution. I am fair, and I have an open mind and am ready, willing and capable to continue presiding over this case.

General Legal Principles

10. The starting point for the reviewing court's analysis here is the presumption of "the honesty and integrity of those serving as judges" in regard to their state of mind concerning impartiality. (See Rothman, page 918 (Fourth Edition) citing *People v. Chatman* (2006) 38 Cal.4th 344, 361.)

11. The People's Statement of Disqualification is based on CCP sec. 170.3 (a)(6)(A)(iii), alleging that the assigned judicial officer should be disqualified because "a person aware of the facts might reasonably entertain a doubt that the judge would be able to impartial."

12. A determination on a challenge for cause under this provision "touches upon the core of the judicial

process requiring the appearance of objectivity of the decision maker." (*United Farm Workers of American v. Superior Court* (1985) 170 Cal.App.3d 97, 100.) It is not a matter of proving actual bias but is a question of the appearance of bias. (*Wechsler v. Superior* Court (2014) 224 Cal.App.4th 384, 390-91.) "A party has the right to an objective decision maker and to a decision maker who appears to be fair and impartial." (*Id.*)

13. The Court in *Wechsler* explained the meaning of impartiality and how it is assessed. "Impartiality" entails the absence of bias or prejudice in favor of, or against a party, as well as the maintenance of an open mind. The test is an objective one: if a fully informed, reasonable member of the public would fairly entertain doubts that the judge is impartial, the judge should be disqualified. (224 Cal.App.4th at 390-391.)

14. The reasonable person is not someone who is "hypersensitive or unduly suspicious," but rather is a "well-informed, thoughtful observer." (*Weschler,* citing *United Farm* at 106, fn. 6, and *Haworth v. Superior Court* (2010) 50 Cal.4th 372, 389.) The reasonable person must be viewed from the perspective of a reasonable layperson, someone outside the judicial system. (*Id.*)

15. As further summarized in *Weschler*, the California Supreme Court has cautioned that a party raising a challenge has a "heavy burden" and must "clearly" establish the appearance of bias. (*Wechsler* at 391, citing *Haworth* at 389.) The appearance of bias standard must not be so broadly construed that it becomes, in effect, presumptive, so that a recusal is mandated upon the merest unsubstantiated suggestion of personal bias or prejudice. (*Id.*)

Grounds to Strike the Statement of Disqualification

16. Under Code of Civil Procedure sec. 170.4, the Statement of Disqualification may be stricken by the trial judge if it is "untimely filed or if on its face it discloses no legal grounds for disqualification." Here, the Prosecutor's Statement is both untimely and without a legal basis.

17. As to timeliness, the Statement must be presented at the earliest practicable opportunity after the discovery of the facts constituting grounds for disqualification. (Code of Civ. Proc. Sec. 170.3 (c)(1); *Jolie v. Superior Court* (2021) 66 Cal.App.5th 1025, 1042.)

18. For example, the Court in *Magana v. Superior Court* (2018) 22 Cal.App.5th 840, 854-56 found that a request for recusal was properly stricken by the trial court when it related to events occurring one month earlier. (See also *Tri Counties Bank v. Superior Court*, (2008) 167 Cal.App.4th 1332, 1337 (delay in seeking to disqualify judge "constitutes forfeiture or an implied waiver of the disqualification.")

19. Here, all of the accusations made by the Prosecutor, except one discussed below, relate to decisions made by me during the competency trial in 2023 - over two years ago -- and the trial on guilt which concluded early July 2025 - over four months before the filing the December 16, 2025 Statement of Disqualification. In fact, after the most recent jury trial, the parties met with the Court and stipulated to setting the retrial in January 2026. Nothing was said about the trial not being fair.

20. Rather, the People only filed the Statement of Disqualification after its motion for an order to conduct a psychiatric evaluation of the defendant was denied at hearing on November 20, 2026. As noted in the cases cited above, waiting to file a Statement based on long

standing alleged misconduct of the judge until after receiving an adverse ruling is per se untimely.

21. More fundamentally, however, the People's complaint about the Court's ruling on the motion to conduct a psychological examination is an insufficient basis for disqualification. The Court decision here is an authorized legal ruling made during the discharge of the judge's duties in the case. (See *In re Morelli* (1970) 11 Cal.App.3d 819, 843; *In re Lemen* (1980) 113 Cal.App.3d 769, 789-91; *In re United States* (1st Cir. 1981) 666 F.2d 690, 697-98.)

22. It is fundamental that a judge cannot be disqualified for making authorized lawful rulings. The People have not even argued that the Court's decision set forth in the transcript filed as Exhibit R denying the motion for a psychological evaluation was "legal error." In other words, the People have made no showing that the decision was wrong as a matter of law.

23. In the more serious matters where litigants are faced with a judicial ruling that constitutes legal error, "something more" is required to support a Statement of Disqualification. (See e.g. *Blakemore v. Superior Court* (2005) 129 Cal.App.4th 36, 59-60.)

Indeed, in *Blakemore*, the Court of Appeal found that the trial judge did err multiple times, but nonetheless refused to disqualify him, drawing a distinction between legal error and bias. (*Id.*)

24. The Court in *UFW of Am v. Superior Court* (1985) 170 Cal.App.3d 97, 1040105, explained that the "average person on the street" is less likely to perceive bias on matters of legal concern, as compared to ruling on factual matters. This is because legal rulings are subject to appellate review whereby the factual findings of the Court are accorded more deference.

25. Thus, when considering a party's attack on the trial judge's legal rulings in a claim for bias, the reviewing Court should first determine whether there was a "legal error" and then assess whether there was "something more" beyond the legal ruling that would suggest bias.

26. Here, the Court does not get to the second question of the "something more" because there is not even a claim of "legal error." To put it simply, how can a lawful Court ruling constitute a basis for disqualification of a trial judge. If it did, the entire

justice system would be turned on its head. Obviously, lawful rulings cannot be used to disqualify a judge.

27. The People's attack on the court's November 20, 2025 ruling is set forth in Section P of its Brief. In reviewing the three-paragraph section, there is no cite to any legal authority or to the transcript in support of an argument of legal error.

28. Meanwhile, when making the ruling, I cited legal authority and fully explained the application of the law under CCP sec. 1054.3 to the circumstances of the case. The Ruling is at page 14, line 10 through page 20 line 28 of the Transcript set forth as Exhibit R of the People's Statement of Disqualification.

29. In its motion the People sought to explore a new theory of the case that, as Prosecutor David Wilson explained, the defendant committed the crimes under a Cannabis Induced Psychosis, rather than as a result of a psychotic episode related to the defendant's severe mental health condition of schizophrenia. When asked why the People ignored this issue at the first trial, Attorney Wilson answered, "I don't have a good answer for that Judge, I was not the trial attorney." (P's SOD, Ex. R, page 7:1-9.)

30. The People have also complained that at the October 16, 2025 hearing, I asked for an explanation as to why the People needed a psychological evaluation at this juncture, contending that I invaded the province of their protected case strategy. I do not understand the argument. At the time, the People made no objection. The law requires a showing of need for the evaluation. (*Sharp v. Superior Court* (2012) 54 Cal.4th 168, 176.) Without a showing, the motion would have died on its face. Instead, the People made a showing, and it was considered by the Court under section 1054.3 and related case law.

31. In sum, the People's motion was untimely because the issue of the defendant's mental health had been before the Court since May 2023, the expert doctors appointed by the Court had addressed the issue of cannabis use, the Prosecution had a full opportunity to cross-examine those doctors on the issue and chose not to, and an evaluation at this point, more than 2 plus years after the crime and the defendant having been treated for schizophrenia since June 2023, including by psychotropic medication would offer little relevant

evidence to the issue of his state of mind in April and May 2023.

32. On the issue of timeliness, the Court further noted that the Prosecution had ample time and opportunity to engage an expert and to ask the Court for an evaluation during the course of competency proceedings under Penal Code sec. 1368 and during the insanity discovery phase of the proceedings under Penal Code sec. 1027. Meanwhile, during this time period, as many as eight doctors had evaluated the defendant and all had concluded that the defendant suffered from schizophrenia and none had opined otherwise.

33. The decision on the People's discovery motion was a reasoned legal ruling authorized by law.

34. To summarize: The People's discovery motion for authorization to conduct a psychological examination of the defendant decided on November 20, 2025 is the only timely matter before the Court and because it was resolved by a lawful ruling, the Statement of Disqualification is insufficient on its face, is subject to being stricken and I should not be disqualified.

35. At this point, however, I am exercising my discretion in the interest of justice to not strike the

Statement and will proceed with a thorough analysis of the remaining charges of the People.

The People's Complaint About Other Legal Rulings is Also Insufficient Basis for Disqualification

36. I think in the spirit of full transparency and to promote public confidence in this proceeding it is important for me to explain why the other matters raised by the Prosecution are also insufficient to disqualify the trial judge.

37. The same standard applies to these other legal rulings: to establish grounds for disqualification the charging party must show "legal error" and "something more."

38. A good summary of this rule was set forth by the California Supreme Court in the ethics opinion, *Oberholzer v. Commission on Judicial Performance* (1999) 20 Cal.4th 371, 398: "In summary, a judge who commits legal error which, *in addition*, clearly and convincingly reflects bad faith, bias, abuse of authority, disregard for fundamental rights, intentional disregard for law, or any purpose other than the faithful discharge of judicial duty is subject to investigation. Mere legal error, without more, however, is insufficient to support a

finding that a judge has violated the Code of Judicial Ethics and should be disciplined."

39. The gravamen of the People's Statement of Disqualification is an objection to a number of legal rulings made by the trial judge in addition to the one discussed above, namely: (1) June 20, 2023 Order Re: defendant's spontaneous in-court statement; (2) July 24, 2023 Order Re: defendant's spontaneous in-court statement admissibility at the competency hearing (People's Motion in Limine #2); (3) April 15, 2025 Order Re: People's Motion to Continue; (4) May 28, 2025 Trial Admonishment Re: Scope of Examination of Dr. Weiner; (5) May 30, 2025 Failure to Admonish Defense Counsel Re: Comments to Counsel; (6) June 5, 2025 Trial Ruling on Scope of People's Rebuttal Case; and (7) June 18, 2025 Trial Ruling Re: Admissibility of Use of Cannabis in the Sanity Phase of Trial.

40. As a starting point, the People have not offered any legal authority as to why any of these decisions were wrongly decided. Rather, the People contend simply that the decisions were unfair because they were adverse.

41. On the question of unfairness, I have made hundreds of decisions in this case and have ruled in

favor of the Prosecution and against the defense on many matters. The Prosecution has cherry-picked a small handful of decisions. One of the most significant evidentiary rulings, for example, was made in favor of the People. The Court denied the defense *Miranda* motion to exclude the video of the on-the-street encounter between the police and the defendant before the defendant was transported to the station for a custodial interrogation and arrested for the crimes. The video was highlighted by the People throughout the case, including in closing argument.

-- **In-Court Statement of Defendant**

42. As for the Court's ruling regarding defendant's spontaneous admission in Court on June 20, 2023, the Court basically ruled that the admission could not be used without further Court order. (See People's SOD, Ex. B, page 3:4-24.) The hearing was for a review of the Court appointed doctor's report opining that the defendant was not competent. Criminal proceedings were suspended at the time. The defendant had, of course, exercised his right to counsel. The spontaneous statement was made without the advice of counsel. It is black letter law that statements made during competency

proceedings may not be used during the guilt phase of the trial without Court order. (*People v. Jablonski* (2006) 37 Cal.4th 774, 802-804 (Fifth Amendment and judicial immunity apply in competency proceeding.) But there was no prohibition against either of the parties seeking to introduce a video of the admission in any further proceedings. (See People's SOD Ex. C, page 13:3-11.)

43. In fact, the People brought such a motion to admit during the competency proceeding, and the Court held a hearing on July 24, 2023 on the admissibility of the video of the admission. The parties briefed the matter and made good faith arguments. The Court denied the People's motion on the grounds that the only expert called to testify at the competency trial had not reviewed the video when preparing her report and when showed the video in Court at an Evidence Code sec. 802 hearing, said it did not change her opinion that the defendant was not competent and that, as effectively argued by the defense, the in-court admission was highly prejudicial at that stage of the proceedings. Thus, Evidence Code sec. 352 precluded its admission. (See People's SOD Ex. C, pages 8:16-18:21; see Ex. C, pages 628:10-641:23.)

44. At the trial on guilt in 2025, the People chose not to move the Court for an order admitting the video in its case in chief. Only on rebuttal did the issue arise. The Court explained the limited scope of rebuttal at pages 2937:10-2940:7 of the Trial Transcript, Ex. I of the People's Statement of Disqualification. The People's motion was denied given that there was no explanation for not offering it in the case in chief. (Ex. I of People's Statement of Disqualification, Trial Transcript 3866:20-3868:9.)

-- **Motion to Continue Trial**

45. Turning to the next Order now attacked by the Prosecution, the April 15, 2025 Order denying the People's motion to continue the trial. First, the matter was fully briefed and argued by the parties. The parties did not stipulate to the continuance. In his opposition brief, the defense argued that the People had not stated good cause but did agree at oral argument to a two-month continuance under certain conditions. Even if the parties had stipulated to a continuance, the Court is authorized to deny a motion to continue if there is no showing of good cause. There was no showing of good cause. (Hearing Transcript, pages 3:16-19:26, Ex. 1

McAdam Appendix.) Second, all the matters of concern stated in the moving papers by the Prosecution had resolved before and during the trial without prejudice. Third, the Prosecution has failed to explain how there was prejudice from holding the nine-week jury trial. Finally, the Order was well reasoned and supported by the law under Penal Code sec. 1050. There was no legal error. This was another authorized lawful order and cannot serve as the basis of disqualification.

-- **Courtroom Control Issues**

46. Next, we turn to consideration of the May 28, 2025 Trial Court Admonishment of Prosecution regarding the cross-examination of Dr. Weiner, a court appointed expert testifying on the mental condition of the defendant at the time of the stabbings.

47. The People now contend that the trial court improperly admonished Prosecutor van der Hoeck at a side-bar that could be heard by the jury. (See People's SOD, Section H and I.) Not true.

48. Additional rules of law apply to this interaction. The starting point for the analysis is Penal Code sec. 1044, which provides: "It shall be the duty of the judge to control all proceedings during the trial,

and to limit the introduction of evidence and the argument of counsel to relevant and material matters, with a view to the expeditious and effective ascertainment of the truth regarding the matters involved."

49. A good discussion of the law regarding the difference between reasonable courtroom control and prejudicial conduct towards counsel is set forth in the California Supreme Court decision of *People v. Snow* (2003) 30 Cal.4th 43, 77-83.) The Court explains, it is well within the trial court's discretion to rebuke an attorney, sometimes harshly, when that attorney asks inappropriate questions, ignores the court's instructions, or otherwise engages in improper or delaying behavior. The real question is whether the judicial conduct was severe and, or, pervasive to compromise impartiality. In *Snow,* the trial judge directly criticized counsel brusquely in front of the jury on numerous occasions. And even that did not rise to the level of bias.

50. It is fundamental that a trial court may confine an examination with reasonable limits, and may curtail cross-examination which is unduly protracted, frivolous,

or which relate to matters which are irrelevant, admitted, or have already been fully covered. (*People v. Ross* (1969) 276 Cal.app.2d 729, 734.) It is also true that a judge may properly exclude inadmissible testimony even though no objection is made. (*People v. Deacon* (1953) 117 Cal.App.2d 206, 209.)

51. At this point, I should add more context for the Court's effort to control the courtroom. On June 6, 2025 during the trial on guilt, the Court issued an order finding prosecutorial error by Prosecutor van der Hoeck. The People have chosen not to include this Court Order in its Statement of Disqualification, thereby conceding that it was a proper ruling and did not reflect bias and cannot serve as a basis for an appearance of bias ruling. This is so because the People conceded the error by Attorney van der Hoeck at the trial. His supervisor Attorney David Wilson explained to the Court, that his colleague "was suffering from lack of sleep and from the stress of the trial which [at that time] had been in session for nearly six weeks."

52. The prosecutorial error was significant. I have attached the transcript of the June 6, 2026 hearing (Ex. 2, McAdam Appendix), which explains in detail the Court

ruling: "Next, the Court has before it the defense objection and motion for a finding of prosecutorial error. The central argument of the motion is that the prosecutor, Mr. van der Hoeck confused and/or misled the jury in questioning the defendant about limited blood in the defendant's room, and more particularly that there was no blood on the computer. The questioning was aggressive in tone and was repeated. It was a misstatement of the facts established by the prosecution's own evidence and the prosecution's own witnesses. The origin of this error goes back to opening statements when Mr. van der Hoeck represented that the facts would show that there was no blood in defendant's room, and this fact of no blood supported a finding of premediated murder. The prosecutor should have known that this was a clear misstatement of the evidence." (Hearing Transcript, pages 5:17-6:5.) In fact, at trial, a prosecution witnesses testified to blood on the computer and a police detective testified that he discovered bloody shorts and other bloody items in his search of the room.

53. A full reading of the Court order reflects a measured and reasoned response that resulted in a

modification of Jury Instruction CALCRIM 222 to explain to the jury when to disregard questions and answers when the Court sustains an objection, noting by example Mr. van der Hoeck's questioning of the defendant on the subject. The Court further admonished Attorney Hutchinson for the defense to refrain from naming the prosecutor in his closing argument. Finally, the Court admonished both sides not to make this case about the attorneys and to stick to the facts.

54. To his credit, Attorney van der Hoeck said, "thank you" and made an effort going forward to comport with the admonishment, reflecting self-awareness and remorse.

55. A similar but less serious interaction took place earlier in the case. Stepping back to the Evidence Code sec. 802 hearing during the competency trial referenced above and identified in Section B of the People's Statement of Disqualification. The People now complain about the Court's admonishment to "pay respect" to the court appointed expert. That admonishment was properly made. The attorney was unnecessarily overly aggressive and badgering the witness. Such questioning is particularly ineffective with an expert because it

distracts the fact finder and instead loads the examination with the lawyer's emotion, which is irrelevant. This exchange can be found at pages 628:10-641:23 of Exhibit C of the People's Statement of Disqualification.

56. After being admonished, Attorney van der Hoeck made the proper course correction and engaged in meaningful and professional examination. I made note of this at the conclusion of the hearing: "I want to thank Mr. van der Hoeck. I thought you were overly aggressive unnecessarily. I want to thank you for changing your tone, first, and second for playing the video for that witness because I think it really assisted. And I appreciate that." In turn, Attorney van der Hoeck apologized to the witness and the Court. My final words were "You said sorry, and you handled it fine." (Page 641:8-17.) This is a good example of how a trial court controls the courtroom under section 1044. It is not the stuff of bias.

57. With this context, we return to the May 28, 2025 side bar regarding the cross-examination of Dr. Weiner. If you read it over again, it is easy to see that Attorney van der Hoeck was jumping around and confusing

the witness and not soliciting helpful testimony for the jury's consideration.

58. Apparently, the Prosecutor was trying to get the witness to admit that forensic psychiatry is controversial. The Prosecutor had no expert witness of his own to prove this at trial. It was a broadside and abstract attack on an entire field. At the side bar, I explained that the Legislature had endorsed the field by mandating the use of forensic experts under Section 1368 and Section 1027 of the Penal Code. I added that the Court then complied with the law by ordering the appointment of the experts. The Prosecutor's questions seemed confusing - and still do without an expert to sort it out. At one point, Attorney van der Hoeck even cited a Kelly/Frye issue without any legal authority to claim that a section 1027 expert could be excluded on such grounds.

59. I also recall advising the Prosecutor that "I am trying to help you." The thinking was that he was losing the jury and he should move on to more important questions. I do not deny that part of this exchange may have been heard by others in the courtroom. My voice was not raised, but it was also not muted. My back was to

the Courtroom and jury. The on-the-record summary of the side bar exchange can be found at pages 3085:7-3089:2 of the Jury Trial Transcript, Ex. I of the People's Statement of Disqualification.

60. The People now seem concerned that this side bar exchange somehow prejudiced them in front of the jury. That is difficult to conclude given the much more significant moment in time of Attorney van der Hoeck's prosecutorial error, discussed above. In any event, the Court properly admonished the jury by reading CALCRIM 3550: "It is not my role to tell you what your verdict should be. Do not take anything I said or did during the trial as an indication of what I think about the facts, the witnesses or what your verdict should be." I also read CALCRIM 222, instructing the jury to "disregard anything you saw or heard when the court was not in session." Finally, one should note that Prosecutor van der Hoeck returned to questioning Dr. Weiner on the subject, even after the side-bar admonishment.

61. The Prosecutor also now claims that the Court exhibited prejudice against the People by not employing "white noise" sound during sidebars. This is, again, within the Court's power to control the courtroom under

Section 1044. I have some colleagues that employ the white noise feature of the courtroom sound system. I do not. Jurors have complained and have appeared startled when it has been employed. It makes it very difficult to hear anyone and to think clearly. I recommend against its use and do not use it for these reasons. Note, the People have not identified any other side bar conferences that were overheard by the jury.

62. One such side bar that was not overheard, in any respect, involved the scope of questioning another court appointed expert, Dr. Rhee, on May 30, 2025 at trial. This matter is discussed by the People in Section L of the Statement of Disqualification. The complaint is that defense Attorney Hutchinson mocked Prosecutor van der Hoeck at a side bar and the Court showed favoritism by not admonishing Attorney Hutchinson. (See Ex. I, Trial Testimony 3357:4-3358:2.).

63. The Court did address the matter at page 3373:15-3374:7: "We don't have an extended time for discussion right now, but in a meeting at side bar, I became concerned about conflict between the lawyers, and I'm going to allow you to air that with me at some point so I understand. I'm not going to do that right now, but I

want to admonish counsel that we need your highest level of professionalism at all times. If there's a sense of frustration in a long trial, in week - I think we are in five or six at this point, I understand that sometimes you know, things break down momentarily. So pull it back together. Whatever happened, let's move past that. Let's not engage in anything that would be perceived as unprofessional. And so all I'm doing now is counseling. And to the extent there is substance behind this, then I'm going to address it - we'll have some time at the end of the day."

64. The parties understood throughout the trial that if a matter rose to a higher importance, they could make a motion. A good example is the defense motion for prosecutorial error. If the People wanted a sanction against Attorney Hutchinson, they were free to so move. No motion was ever made.

65. Note, the actual substance of the dispute was an objection by the Prosecution to a question by Attorney Hutchinson of Dr. Rhee as to whether she reviewed a report from Dr. Watson. The Court sustained the objection and ordered the question and answer stricken. Again, it was a routine *Sanchez* ruling since the defense

had not offered Dr. Watson as a witness. It was also another example of ruling in favor of the Prosecution and against the defense. I take it, this is why I never heard about the issue again.

66. The Prosecution make a reference to another discussion on the record that has no bearing on this. At page 3916 of the Trial Transcript, the Court was discussing the subject of prosecutorial error, not this minor dust-up between the attorneys on May 30, 2025.

67. In sum, nothing about this incident has anything to do with judicial bias.

- **Court Rulings on Cannabis Use**

68. Next, the People contend that the trial court showed bias by "shielding" the experts from examination regarding a failure to consider the defendant's THC levels. This issue arises from the blood test of the defendant conducted several days after his arrest. In discovery, the People produced a report from Matthew Najkayama about the results of that test, including the Delta-9-THC concentration level. The People identified criminalist Najkayama as a potential witness in the case but chose not to call him in either the case-in-chief or rebuttal case. At trial the forensic mental health

experts were asked some questions on the subject. At some point, I issued an order excluding evidence directed at the Najkayama report, again based on *Sanchez* grounds. It was a routine and correct ruling.

69. Importantly, during the guilt phase on the trial, the Court did not make an order precluding admissibility of evidence related to cannabis use. While sporadic, there was stray testimony on the matter. Cannabis use was covered by the experts in their reports, produced during the discovery. And the defendant himself admitted extensive cannabis use. As noted above, the Prosecution through Attorney David Wilson admitted that there was no good explanation for the People not pursuing this line of inquiry more thoroughly during Phase 1.

70. The subject of the Najkayama Report came up again when the Court met with the attorneys about the sanity phase on the trial. The issue of the defendant's cannabis use was now for the first time hotly contested by the parties. The parties filed briefs and argued the matter. (See Ex. L of People's Statement of Disqualification, Trial Transcript, pages 11:18-33:23 and 37:6-45:10.) Ultimately, the Court denied the introduction of evidence related to cannabis use in Phase

2 under Evidence Code sec. 352. Again, the Court made a correct legal ruling, excluding such evidence. The ruling was lengthy and detailed with a proper balancing of relevance against prejudice. In short, the evidence would only be relevant on the issue of sanity if cannabis was the *sole* cause of the psychotic episode, and there was no evidence to support that conclusion, given that all the experts had testified that his conduct was the result of schizophrenia. (CALCRIM 3450.) Meanwhile, cannabis use is stigmatizing and given the lack of relevance, the prejudice was a greater concern. Note, the Prosecutor has not made an argument that the Court's decision constituted "legal error" or offered any legal authority to that end.

Trial Court Reflections on the State of Evidence is Not Grounds for Disqualification

71. It has long been held that "judicial opinions expressed in discharge of litigation and judicial duties" is insufficient to state a claim of bias. (*In re Morelli* (1970) 11 Cal.App.3d 819, 843; see also *In re Lemen* (1980) 113 Cal.App.3d 769, 789-91.) "Mere expression of opinion, based on observations of the witnesses and evidence, do not demonstrate judicial bias." (*Schmidt v.*

Superior Court (2020) 44 Cal.App.5th 570, 589; *Neveraz v. Tonna* (2014) 227 Cal.App.4th 774, 786.)

72. At the core of the People's complaint is their view that the Court "vouched" for the expert witnesses. This argument is set forth in the People's Brief Section II and Section III-H, III-J, III-K, III-N and III-Q. The argument is misplaced given that at no point did the Court make any statement before the jury, endorsing the testimony of the experts. And the Prosecution has not cited to any such moment.

73. By way of background, the current state of the evidence produced in discovery in this case is as follows: Eight psychologists have concluded that the defendant suffers from schizophrenia, and no doctors who have examined the defendant or examined the record in this case have reached any other conclusion. Two Court appointed experts have concluded that the defendant was insane at the time of the crimes and no doctors have opined otherwise. The Prosecution failed to produce an expert witness at the competency hearing, and again, failed to produce an expert at the trial on guilt and sanity. The Court did not create these circumstances. It is the reality of the record.

74. Under these circumstances, the Court exercised patience with the Prosecution as they tried to make a case without an expert. A good summary discussion is set forth in Exhibit C, pages 40:13-41:12, where I explained how a party can attack the credibility of expert witnesses when they do not have their own, namely (1) attack qualifications, (2) attack factual basis for opinion, (3) attack logical connection between the facts and the opinion offered. I had walked the Prosecution through this more than once during the trial. I also reaffirmed that the Prosecution could make argument to the jury under standard legal instructions pertaining to witnesses and expert witnesses, e.g. CALCRIM 226 and 332, both of which were read to the jury. (People's Statement of Disqualification, Ex. I 3088:11-26.)

75. None of this amounts to being partial against the Prosecution or even leaving that impression. The comment on the state of the evidence and the decisions resulting therefrom were run-of-the-mill judicial acts. As stated time-and-time again by the Courts of Appeal, "numerous and continuous rulings against a party are not grounds for a finding of bias." (*Schmidt v. Superior Court* (2020) 44 Cal.App.5th 570, 589.)

76. The People make two other complaints about guidance the Court provided the parties in working up the case. First, the People allege the appearance of bias when the Court asked after the first trial whether the People intended to voluntarily dismiss the first degree attempted murder enhancement as to the stabbing of Ms. Guillory, in light of the fact that the jury had rejected first degree murder as to the far more serious killings of Mr. Breaux and Mr. Abou Najm; the jury did not get to the question of premeditation for Ms. Guillory because it was charged as an enhancement and not a principle count.

77. It remains a logical question. The Prosecution argued that the defendant premeditated the murders because his girlfriend broke up with him and he was struggling in school. That argument was made as to all three stabbings without any distinction. The Court spotted the issue arising from the different pleading structure for attempted murder compared to murder. At this point in the case, there is no motion pending. The issue is not ripe. I have an open mind and no fixed opinion on it.

78. The comment easily falls within the discharge of judicial duties and reasonable reflections on the status

of the case "based on actual observations in legal proceedings" which is not bias under *In re Morelli* and related cases.

79. The second judicial comment challenged by the People is the Court's recognition that the parties are likely to present new motions in limine and related motions in light of the Prosecution's declaration of a new theory of the case, namely the defendant acted under a Cannabis Induced Psychosis. I noted that the turn by the Prosecution will be a challenge given the state of evidence, all pointing to the defendant suffering from schizophrenia. Again, the spotting of an issue by the Court is not bias. The Court set a briefing schedule for pre-trial motions (which has since been vacated). There is not much more to be said on this point; of course, a judge must identify issues and set a schedule for pre-trial motions. The parties filed more than one dozen pre-trial motions before the guilt/sanity trial. Now, the case is starting from scratch. The rulings from the prior trial do not carry over. The Court has an open mind and no fixed opinion on any issue.

80. The Court's reflections on the state of the evidence is per se not a basis for a finding of bias or

the appearance of bias. The People's complaints are without merit.

The People's Allegations of Matters Outside the Courtroom are Irrelevant and Unfounded

81. The People have submitted a posted card from an anonymous person offering a lay opinion about this case. (People's SOD, Exh. N.) I object on the grounds that it lacks foundation. The postcard is unauthenticated, and there is no statement under oath of personal knowledge. It is inadmissible.

82. But, the review of the anonymous postcard offers an opportunity to explain the legal standard in this case. The "reasonable person" standard is a legal construct. It assumes that an objective person would be fully informed of all proceedings and have a good faith and fair perspective on the case. As a practical matter, there is no actual "reasonable person" because no one person outside the legal system has all the information to offer a meaningful opinion. Rather, the construction of the "reasonable person" is done by a judicial officer reviewing the case. Here, the postcard writer admits that he or she has only watched the

proceedings for "a few days in small clips." For this reason, it should be ignored.

83. The People also complain about a statement I made about this case to my class at King Hall in the Spring of 2024. The People have failed to produce any admissible evidence on this point and, thus, it has no merit on that basis alone. Nonetheless, I will address it.

84. By way of background, under the Canons, a judge is encouraged to be a leader in the community promoting the justice system. One way to do that is to teach at a law school, which is authorized by the Canons of Judicial Ethics. (Canons 4B and 4H.) In fact, this is provided for in the California Constitution. (Cal. Const., art. VI, sec. 17.)

85. By way of further background, I am heading into my eleventh year teaching law. I taught Labor and Employment law at Pacific McGeorge for five years. I taught Child Welfare Law at UC Davis School of Law (King Hall) for three years. Most recently, at the request of the Dean, I have taught Mental Health Law, this being my third year.

86. The act of teaching is not about self-promotion, as suggested by the People. I have no reason to puff

myself to law students. Rather, I have a genuine desire to promote an understanding of the law and the judicial system and to help develop the careers of law students and new lawyers. It is about public service.

87. With this background, I did make a single reference to this case in my class. I explicitly stated that because of the rules of judicial ethics, I will not comment on the case, and it will not be part of the course. I encouraged the students to follow the case on the Livestream feed because the case involves issues of mental health law which are being taught in my class.

88. By way of orientation, rather than offering my own personal summary of the case, I read a short newspaper article summarizing the nature of the case. I refrained from reading any extra-judicial comments, if any, in the article.

89. There is no reason to believe that this brief, isolated reference to the case in my law school class has any bearing on the adjudication of this case. And the People have made no showing of any prejudice. My hope is that the students followed the case and have learned something from it.

90. Next, the People contend that the District Attorney's "papering" of me in 2023 and 2024 has some bearing on adjudication of this case. In May 2024, after several months of continuous CCP sec. 170.6 peremptory challenges while I was assigned to the Criminal Division, I asked the Presiding Judge to reassign me to the Civil Division. At the time, my criminal caseload was about one-half of my colleagues and getting smaller. I asked for reassignment even though I was only half-way through a three year assignment because I did not think it was fair that my colleagues were having to take on more cases. I had honored all peremptory challenges that were timely.

91. I am informed and believe, based on my conversation with the Presiding Judge, Daniel P. Maguire, and the Assistant Presiding Judge Tom M. Dyer (who became the PJ in 2025) that the Presiding Judge would continue to assign me criminal cases, when possible, to rebalance the judicial caseload of the Bench and because I was an experienced, qualified judge and because I am not biased against the People. It was also noted that it was likely that the only cases to be reassigned are those where the People had challenged another judge because to reassign a

case to me otherwise would be a futile act, given the People's "papering" of me. Meanwhile, the smaller calendar I left behind in the Criminal Division was picked up by a visiting judge and then later by a junior judge with less than two years of judicial experience. Thus, the reassignment of criminal cases to me served the best interest of the Court was not a form of retaliation. Moreover, I was not the decision maker on the reassignment of cases. Rather, the Presiding Judge controls the assignment of cases under Rule 10.603 of Judicial Administration Rules.

92. Here is another thought on my experience with "papering." I have taught judicial ethics to my colleagues. Specifically, I teach that when a judge is challenged pursuant to section 170.6, the judge should do the following: (1) reflect on whether there is any merit in the challenge and adjust courtroom conduct accordingly, (2) rule on the challenge timely and according to law, and (3) move on, and give no further thought about the challenge, other than to ensure that your courtroom is a fair and impartial forum for all. These principles are written in *Rothman*, and I live by them. The Prosecutor's peremptory challenges against me

in any given case have no bearing on how I preside over a case, including this one.

93. The People also complain about a 16-page ruling I made in a separate case, *People v. Diallo*, where the defense challenged the People's "papering" of Judge Sonia Cortes on the grounds of race-based discrimination, given that Judge Cortes is the only Hispanic Judge presiding in Yolo County. (See Exh. G of the People's Statement of Disqualification.) This was a sequential "papering" of a Yolo judge in 2025, after the People had "papered" me in 2023 and 2024. I wrote that the "papering" of a trial judge is a lawful - even if disfavored practice -- so long as it was not done for discriminatory purpose. I further ruled in favor of the People and denied the defense motion to strike the CCP sec. 170.6 challenge on the grounds that the defense had failed to make out a prima facie showing of race-based discrimination. Finally, under 10.20 of the Standards of Judicial Administration I asked the People to reconsider the papering of Judge Cortes given the perception of race-based discrimination under the totality of circumstances. I am informed and believe that the "papering" ceased shortly thereafter, although I have no understanding as

to why. In sum, the People have made no showing that my lawful order in *People v. Dlallo* has any bearing on this case. The 16-page ruling is a sound comparative analysis of the interplay between section 170.6 and 170.3. The People have failed to provide any legal basis to challenge this order.

The People's Evidence Lacks Foundation

94. The People's verification was made by Attorney Melinda Aiello, the Chief Deputy District Attorney of Yolo County. This is her first appearance in the case. She avers that her personal knowledge is based on watching the Livestream of this case in her office. She offers a short three-page declaration with vague, conclusory and argumentative allegations and personal opinions that lack foundation.

95. Meanwhile, the two prosecutors assigned to this case are Matthew De Moura and Fritz van der Hoeck. Prosecutor van der Hoeck is discussed at length above. He provided two short declarations in support of the People's Statement of Disqualification about two minor courtroom interactions discussed above. His declarations are accurate. I have added context concerning the two incidents.

96. I was told at the beginning of the case that Prosecutor De Moura was the lead prosecutor. I directed matters to him, and he, then when necessary and appropriate, asked Mr. van der Hoeck or covering attorney Mr. David Wilson to address an issue. If the Court engaged in any conduct of bias towards the parties, it is reasonable to expect to hear from Prosecutor De Moura and defense counsel Daniel Hutchinson.

97. The People have a heavy burden here, and their failure to produce evidence from the actual courtroom proceedings by the attorneys of record is fatal. As to those matters reflected in the transcript, I have pointed out at length above that the record is clear: the Court made lawful rulings and exercised discretion within its power to control court proceedings.

Judicial Profile

98. As explained in The California Judicial Conduct Handbook (Rothman), "Surely a judge's character and reputation for impartiality are among facts the average person on the street would take into account." (Citing *Leland Stanford Junior University* v. *Superior Court* (1985) 173 Cal.App.3d 403, 408.) To this end, I offer my

official judicial profile as an attachment. (Ex. 3, McAdam Appendix).

99. In addition to teaching law as discussed above, I am a long-time member of the Schwartz-Levi Inn of Court, a local non-profit organization whose membership of justices, judges, lawyers, and other academic and legal professionals is dedicated to promoting ethics in the practice of law and adjudication of legal disputes. I have served on the Executive Committee for ten years. I am the current President. The Inns of Court is a well-known and highly regarded organization nationally.

100. Last year, the Unity Bar of Yolo County honored me with 2024 Judicial Award. The Award was recognition of my commitment to maintaining a fair and accessible courtroom to all in our community, especially the disadvantaged and those historically discriminated against. The Yolo Unity Bar is the largest affiliation of lawyers in Yolo County. It was a great honor to receive the Award.

101. In speaking to the audience at the awards ceremony which included several hundred members of the Yolo legal community and justices from the Third District Court of Appeal and the Chief Justice of the California

Supreme Court, I outlined the core principles of judicial independence: (1) **competence**, strong command of the rules of procedure, evidence and new legal developments; (2) **range and realism**, a broad perspective on society including the reality of how court rulings affect all; (3) **kindness and respect**, steady judicial temperament with a rhythm of good listening and expression of appreciation to all before the court; (4) **toughness**, a willingness to make the hard decisions subject to public criticism; (5) **communication**, explaining legal rulings clearly and fully; and (6) **community involvement**, staying involved, giving back and avoiding isolation. A commitment to these principles will lead to public confidence in the decisions being made, even if adverse or disliked. This Answer is submitted under these principles.

102. In my 17 years on the Bench, I have served in every leadership position on the Court, including as the Presiding Judge during the Pandemic. Yolo Superior Court received statewide recognition for being a leader during the Pandemic in building the Virtual Courthouse and maintaining safe, fair, and timely access to justice. I

wrote a summary of our experience published in the California Litigation, Volume 34, Number 2 (2021).

103. In 2023, I also served as an Associate Justice Pro Temp for the Third District Court of Appeal. During my four-month stay, I participated in 105 decisions, including authoring 36 opinions. The most significant decision I wrote was *People v. Bocanegra* (2023) 90 Cal.App.5th 1236, ruling in favor of the prosecution and upholding the constitutionality of California's assault weapons ban. I learned a lot from my colleagues during my stay, including how to best protect the record during criminal proceedings from reversable error.

Prayer for Relief

104. I have denied each substantive allegation set forth in the People's Statement of Disqualification.

105. I have provided additional evidence to support my defense in this action.

106. I am not biased and I have not engaged in conduct a reasonable person would perceive as an appearance of bias.

107. I have made lawful court decisions and have exercised reasonable control of the proceedings.

108. The parties have received fair hearings.

109. I have an open mind as to all matters in this case, especially because this matter is to be set for retrial.

110. I ask the reviewing court to find that the People have not met its burden and that I am not disqualified from this case.

111. The next hearing in this matter is January 22, 2026 at 1:30 pm for trial setting, and I am prepared to set the case for trial and proceed from there.

112. Finally, it is important to remember that as is true for athletes in the spotlight, the same is true for trial court judges: We must have the skin of an Armadillo. No amount of public criticism will alter my commitment to justice and the principles of judicial independence.

VERIFICATION

I, Samuel T. McAdam, declare under penalty of perjury under the laws of the State of California that I drafted this VERIFIED ANSWER and that the facts set forth are true and correct based on my own personal knowledge. If called to testify, I would testify to the truth of these matters. To the extent any fact asserted is based on information and belief, I hereby attest that I believe that fact to be true also.

Signed in Woodland, California
on December 23, 2025

The Honorable Samuel T. McAdam