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FILED
Yolo Superior Court
January 12, 2026
BZelenski

SUPERIOR COURT OF CALIFORNIA
COUNTY OF YOLO

THE PEOPLE OF THE STATE OF
CALIFORNIA,

Plaintiff,

vs.

CARLOS REALES DOMINGUEZ,

Defendant

Case No.: CR-23-1391

**ORDER RE CHALLENGE PURSUANT
TO CALIFORNIA CODE OF CIVIL
PROCEDURE §§170.1/170.3 – HON.
SAMUEL T. MCADAM**

I. INTRODUCTION:

On December 16, 2025, The People of the State of California (People), by and through the Yolo County District Attorney's Office, filed a judicial challenge of the Honorable Samuel T. McAdam (Judge McAdam) pursuant to California Code of Civil Procedure (C.C.P.) §§ 170.1/170.3, relating to the above referenced matter.

On December 23, 2025, Judge McAdam filed a Verified Answer denying the allegations set forth in the People's challenge, under C.C.P. 170.3(c)(3)(a).

The matter has been assigned to this court for review pursuant to C.C.P. §170.3(c)(5) by the Judicial Council of the State of California.

1 The court has read, reviewed, and considered the People's Written Verified Statement
2 Objecting to Trial Before Judge McAdam, and the attached exhibits; the Verified Answer by
3 Judge Samuel T. McAdam; and the Appendix to Judge Samuel T. McAdam's Verified Answer.

4

5 **II. CASE HISTORY:**

6 On May 5, 2023, the defendant was arraigned on the complaint and Judge McAdam was
7 assigned the case for all purposes.

8 On May 22, 2023, defense counsel raised doubt as to the defendant's competency to
9 stand trial and criminal proceedings were suspended per California Penal Code (P.C.) §1368.

10 On July 24, 2023, Judge McAdam presided over the jury trial pertaining to the
11 defendant's competency to stand trial. This trial concluded mid-trial, on July 28, 2023, when the
12 People conceded that the defendant lacked competency to stand trial. Criminal proceedings
13 remained suspended and the defendant was committed to the Department of State Hospitals for
14 restoration.

15 On January 5, 2024, the defendant was restored to competency, and criminal proceedings
16 were reinstated.

17 On October 17, 2024, the defendant entered a plea of not guilty by reason of insanity and
18 the matter was set for a jury trial.

19 On April 28, 2025, Judge McAdam presided over the jury trial that was to be completed
20 in two phases, guilt and sanity.

21 The guilt phase of the trial resulted in the acquittal of the defendant as to two – first-
22 degree murder charges; a mistrial being declared on the lesser included offenses of second-
23 degree murder (10-2 for acquittal), as to the first-degree murder counts; and a mistrial as to a
24 third charge of attempted murder involving a third victim.

25 Due to the results of the guilt phase, the sanity phase never commenced.

26 The matter is now pending trial setting on January 22, 2026, with a second jury trial date
27 to be set.

28 The case remains assigned to Judge McAdam for all purposes.

1 **III. TIMELINESS OF MOTION:**

2 Pursuant to C.C.P. 170.1(c)(1) any party may file with the clerk a written verified
3 statement objecting to a hearing or trial before a judge at the earliest practicable opportunity after
4 discovery of the facts constituting the grounds for disqualification.

5 The People list various factors in their Statement of Objection to justify their position.
6 These factors consist of different interactions beginning on or about June 2023, and through pre-
7 trial, Jury Trial as to Competency, and the Jury Trial for the guilt phase, which concluded
8 sometime after April 28, 2025 (approximately 7 months prior to the People's filing of their
9 Statement of Objection).

10 There is no evidence before the court that the People sought any type of appellate review
11 regarding their assertions.

12 The People then raise concerns over Judge McAdam's ruling on a motion pursuant to
13 California Penal Code §1054.3 heard in October and November 2025. Specifically, the People
14 assert that, "it became abundantly clear after the November 20, 2025 hearing the court's view of
15 this case."

16 In his Verified Answer (13:26), Judge McAdam points out the issues regarding
17 timeliness, but exercised his discretion to not strike the Statement on timeliness grounds and to
18 answer the allegations made by the People.

19 Motions to disqualify should be raised when the facts constituting grounds for
20 disqualification are first discovered. Disqualification cannot be delayed until the eve of trial
21 when the underlying facts were known earlier. (*People v. Panah* (2005) 35 Cal. 4th 395 (delay of
22 approximately two months was untimely).)

23 This court recognizes issues regarding the timeliness of claims occurring from June 2023
24 through April 2025, as these occurred from 2 years and 5 months through 7 months prior to the
25 People filing their Statement of Objection.

26 However, because Judge McAdam exercised his discretion not to strike the Statement on
27 timeliness; and in the interest of justice, this court will conduct an analysis.
28

1 **IV. DISCUSSION - DISQUALIFICATION:**

2 A judge has a duty to hear and decide any proceeding, or matter, assigned to the judge,
3 except those in which he or she is disqualified. (C.C.P. §170, California Rules of Court (C.R.C.)
4 §10.608(1)(A), California Code of Judicial Ethics, Canon 3B(1), *United Farmworkers of*
5 *America v. Superior Court* (1985) 170 Cal. App. 3d 97.)

6 A judicial officer should be disqualified when a person aware of the facts might
7 reasonably entertain a doubt that the judge would be able to be impartial. (C.C.P. §170.1
8 (a)(6)(A)(iii).)

9 The People bring their statement of disqualification based on this theory and provide a
10 variety of claims to set forth their position. These are illustrated below.

11 Judge McAdam has denied that he is biased against the prosecution and that he has made
12 any decision during the pendency of this case, that would present the reasonable appearance of
13 bias against the prosecution.

14

15 **A. Exclusion of Statement made by Defendant while Competency pending:**

16 The People assert that during a review hearing on June 20, 2023, regarding defendant's
17 competency, that he spontaneously stated out loud to the court, "Your honor, I want to apologize
18 and say I'm guilty and to forgive me."

19 Judge McAdam responded by informing the defendant, "Hold on sir. You have a Fifth
20 Amendment right. Criminal Proceedings have been suspended. Nothing he says during the
21 process of a suspended criminal proceeding shall be used against him and it has no bearing on
22 these matters."

23 During the Competency Jury Trial, the People argue that they sought to admit the
24 defendant's statement, since the court "had excluded the statement on its own motion."

25 Lastly, the People argue that Judge McAdam ruled that they could not introduce the
26 statement, even though it contradicted an expert, Dr. Rohrer.

27 Neither the statements a defendant makes to a psychiatrist appointed under P.C. §1369 nor
28 any evidence derived from these statements may be used by the prosecution to prove its case-in-

1 chief as to either the defendant's guilt or penalty. (C.R.C §4.130(d)(3); *People v Jablonski*
2 (2006) 37 Cal. 4th 774; *People v Arcega* (1982) 32 Cal. 3d 504.)

3 Likewise, a spontaneous statement made by a defendant who is pending competency
4 proceedings, and without the advice and consent of his/her counsel, and/or a valid waiver of the
5 defendant's state and federal constitutional privileges, should not be permitted to be used either.

6 Judge McAdam did, however, allow a hearing on the introduction of the video admission by
7 the defendant on grounds that an expert called to testify at the Competency Trial had not
8 reviewed the video when preparing her report. While reviewing the video in a California
9 Evidence Code (E.C.) §802 hearing, the expert indicated that it did not change her opinion that
10 the defendant was not competent.

11 Judge McAdam subsequently precluded the admission of the video pursuant to E.C. §352.

12 It should be noted that Judge McAdam also precluded the admission during the guilt phase of
13 the Jury Trial, when the prosecution sought to introduce it in rebuttal.

14 Judge McAdam appears to have applied the appropriate law and rendered a sound legal
15 ruling.

16 Even if Judge McAdam had made a judicial error in this ruling, judicial error does not
17 establish bias and is not a proper ground for disqualification. (*People v. LaBlanc* (2015) 238 Cal.
18 App. 4th 1059, citing *People v. Superior Court (Dorsey)* (1996) 50 Cal. App. 4th 1216.)

19 A judge is not disqualified after having rendered a legal or factual ruling or decision in a
20 case. (*People v Lucas* (2014) 60 Cal. 4th 153, 303, disapproved on other grounds in *People v*
21 *Romero and Self* (2015) 62 Cal. 4th 1; *Brown v American Bicycle Group, LLC* (2014) 224 Cal.
22 App. 4th 665, 674; *Blakemore v Superior Court* (2005) 129 Cal. App.4th 36, 59–60; *Briggs v*
23 *Superior Court* (2001) 87 Cal. App. 4th 312, 319; *Roth v Parker* (1997) 57 Cal. App. 4th 542,
24 549.)

25 The People provide no legal authority that Judge McAdam's ruling constituted legal error
26 and sought no appellate review.

1 **B. History of C.C.P. §170.6 challenges against Judge McAdam:**

2 The People argue that in November of 2023 they took the “extraordinary step” of exercising
3 a challenge against Judge McAdam pursuant to C.C.P. §170.6 on all criminal cases assigned to
4 him. Thereafter, Judge McAdam was assigned to a civil calendar, but maintained several
5 criminal cases, including this matter.

6 As previously noted, the defendant in this case was arraigned on May 5, 2023, and at that
7 time Judge McAdam was assigned the case for all purposes. The People sought no challenge to
8 Judge McAdam pursuant to C.C.P. §170.6 at that, or any other time, relating to this case.

9 The fact that the People sought a challenge under C.C.P. §170.6 in other criminal matters,
10 has no relevance to this case, in which they sought no challenge at all.

11 C.R.C. §10.603 dictates the duties of the Presiding Judge to include, allocating resources and
12 maximizing the use of judicial and other resources (10.603(a)); making judicial assignments
13 (10.603(c)(1)), including that the Presiding Judge has the ultimate authority to make judicial
14 assignments taking into account the needs of the public and the court, the abilities demanded by
15 the assignment, the judge’s judicial experience, and the need for continuity (10.603(c)(1)(A)).

16 The fact that this case remained with Judge McAdam after his assignment to a civil
17 department, is not relevant to show any potential bias of Judge McAdam. The fact that the case
18 remained with Judge McAdam after his new assignment was ultimately an action by the
19 Presiding Judge in performing his/her duties under the California Rules of Court.

20 Considering the magnitude of this case, along with the fact that at the time the People began
21 challenging Judge McAdam on all criminal matters (November 2023), he had already been
22 assigned the case for over 7 months, it was logical and an effective use of judicial resources that
23 the case remain as assigned.

24

25 **C. Reassignment of C.C.P. §170.6 challenges to Judge McAdam:**

26 The People state that between December 2024 and April 30, 2024 (sic) that they filed no less
27 than 28 challenges under C.C.P. §170.6 to other judges assigned to the criminal division, all of
28 which were reassigned to Judge McAdam.

1 For all the same reasons set forth above, this information is not relevant to show any bias of
2 Judge McAdam on this particular case. The fact that other judges were disqualified, and Judge
3 McAdam was reassigned the case, again is a duty of the Presiding Judge, not Judge McAdam.

4 It is purely speculative to attempt to guess why the Presiding Judge made the decision he/she
5 did and the People even concede, “Judge McAdam is likely not directly responsible for the
6 assignment of the cases.”

7

8 **D. Judge McAdam comment on C.C.P. §170.6 Challenges:**

9 The People state that Judge McAdam “railed against the People’s use of 170.6 challenges” in
10 an opinion that he wrote in July 2025 in a separate criminal matter (*People v. Justin Dlallo*, CR-
11 25-1543) and that the opinion was “an attempt to limit, the People’s use of 170.6 challenges
12 against judges such as himself.”

13 Judge McAdam’s opinion stemmed from a C.C.P. §170.6 challenge to a different judge, and
14 in which the defense filed a motion objecting to the peremptory challenge.

15 Judge McAdam authored an opinion on the C.C.P §170.6 challenge in favor of the
16 prosecution and ultimately denying the defense’s objection.

17 Again, the C.C.P. §170.6 challenge against another judge, in another distinct case, has no
18 bearing whatsoever as to Judge McAdam in this case.

19

20 **E. Comment made at Law School:**

21 The People argue that in the Spring of 2024 that Judge McAdam, while working as a
22 Professor at U.C. Davis School of Law, read a Sacramento Bee article regarding this matter to
23 his class.

24 The People furnish no copy of the article, do not know the date the article was written, and
25 provide no declaration of any individual who was in attendance when the article was read.

26 In his Answer, Judge McAdam indicates that he read a short newspaper article summarizing
27 the nature of this case. Judge McAdam states that he refrained from reading any extra-judicial
28 comments, if any, in the article. Further, he states that because of the rules of judicial ethics, that

1 he would not comment on the case and that it would not be a part of the course. Judge McAdam
2 states that he “encouraged the students to follow the case on Livestream because the case
3 involves issues of mental health law which are being taught” in the class.

4 Code of Judicial Ethics, Canon 4B states that a judge may speak, write, lecture, teach, and
5 participate in activities concerning legal and nonlegal subject matters, subject to the requirements
6 of this code.

7 Code of Judicial Ethics, Canon 3B(9) states that a judge shall not make any public comment
8 about a pending or impending proceeding in any court, and shall not make any nonpublic
9 comment that might substantially interfere with a fair trial or hearing.

10 Here, there is no evidence that Judge McAdam made any public comment on a pending case.
11 In fact, Judge McAdam advised the audience that he would not make any comment on the case.
12 He simply read a newspaper article to a law school class and invited them to follow the case in
13 court.

14 The People provide no legal authority that Judge McAdam’s reading of the article constituted
15 legal error, that it in any way prejudiced their case, or that it interfered with a fair trial or hearing.
16 The People sought no appellate review as to this issue.

17

18 **F. Denial of Continuance:**

19 The People indicate in April 2025 that Judge McAdam denied an “unopposed” Motion to
20 Continue the Jury Trial filed by the People. The People state that, “This is without parallel in
21 Yolo County. The People cannot recall any other criminal case where a court has denied an
22 unopposed request for a continuance in a time waived case”.

23 In his Answer, Judge McAdam states that, “The parties did not stipulate to the continuance”
24 and that in his opposition brief, defense counsel argued that the People “had not stated good
25 cause” (18:18-20).

26 P.C. §1050(e) states, “continuances shall be granted only upon a showing of good cause.
27 Neither the convenience of the parties nor a stipulation of the parties is in and of itself good
28 cause.”

1 The mere fact that the motion to continue was unopposed is not relevant as to the issue of
2 bias. It is black letter law that even a stipulation to a continuance does not rise to the level of
3 good cause. Without good cause to continue the trial, Judge McAdam was correct in denying
4 such.

5 The People provide no legal authority that Judge McAdam's ruling constituted legal error
6 and sought no appellate review.

7

8 **G. Limitation of Cross Examination:**

9 The People assert that during the guilt phase of the Jury Trial, Judge McAdam limited their
10 cross examination as to whether forensic psychology is a "field at all", and that "psychiatry was
11 not scientific evidence that met a Kelly-Frye standard."

12 In his Answer, Judge McAdam explains that "Attorney van der Hoeck was jumping around
13 and confusing the witness and not soliciting helpful testimony for the jury's consideration."
14 Judge McAdam explains that "Attorney van der Hoeck even cited a Kelly/Frye issue without any
15 legal authority to claim that that a section 1027 expert could be excluded on such grounds."

16 Further, Judge McAdam explains that the prosecution was attempting to get the witness to
17 admit that forensic psychiatry is controversial, but that they had no expert witness of their own to
18 prove this at trial.

19 P.C. §1044 states that it shall be the duty of the judge to control all proceedings during the
20 trial, and to limit the introduction of evidence and the argument of counsel to relevant and
21 material matters, with a view to the expeditious and effective ascertainment of the truth
22 regarding the matters involved.

23 Here, it appeared to Judge McAdam that the witness was confused and the elicited testimony
24 was not helpful for the jury's consideration. Additionally, the prosecution was attempting to
25 present testimony and argument (Kelly-Frye) in front of the jury that would confuse the jury
26 even more, and without any legal authority.

1 Only after a sidebar discussion to allow both sides the opportunity to be heard, did Judge
2 McAdam utilize his powers within P.C. §1044 and/or E.C. §352 to limit the introduction of
3 evidence that would confuse the jury.

4 Even if Judge McAdam had made a judicial error in this ruling, judicial error does not
5 establish bias and is not a proper ground for disqualification. (*LaBlanc*, Supra.)

6 The People provide no legal authority that Judge McAdam's ruling constituted legal error
7 and sought no appellate review.

8

9 **H. Use of "White Noise" System:**

10 The People state that Judge McAdam did not utilize the courtroom's "white noise" feature
11 during side bar conversations with counsel and presumably this allowed jurors to hear potential
12 conversations at the bench.

13 Judge McAdam responds in his Answer why he chooses not to utilize the white noise system
14 and that it is not isolated to this particular case. Further, Judge McAdam indicates that he took
15 appropriate steps, in case the jury did hear any conversation at the bench, by admonishing them
16 pursuant to CALCRIM 3550 and 220, specifically that, "It is not my role to tell you what your
17 verdict should be. Do not take anything I said or did during the trial as an indication of what your
18 verdict should be", and "disregard anything you saw or heard when the court was not in session."

19 Because Judge McAdam chooses not to use the white noise system in the matters he hears, it
20 can hardly be argued that this is somehow a bias against the prosecution in this particular case.

21 The People provide no legal authority that Judge McAdam's decision not to utilize the "white
22 noise" constituted legal error and sought no appellate review.

23

24 **I. Exclusion of Toxicology Analysis:**

25 The People argue that during the guilt phase of the Jury Trial, that Judge McAdam prohibited
26 the introduction of toxicology reports of the defendant's blood. Additionally, the People assert
27 that after the case had been submitted to the jury for the guilt phase, and prior to the sanity phase,

1 that Judge McAdam granted a defense motion to exclude toxicology findings pursuant to E.C.
2 §352.

3 In his Answer, Judge McAdam explains that in their discovery, the People produced a report
4 from Matthew Najkayama showing the Delta-9-THC concentration levels relating to the
5 defendant. The People also identified Mr. Najkayama as a potential witness for trial. However, in
6 their case in chief and in rebuttal, the People made the tactical decision not to call him as a
7 witness. The People then sought to elicit Mr. Najkayama's findings through other forensic
8 mental health experts. Judge McAdam excluded the findings of Mr. Najkayama's report pursuant
9 to *People v. Sanchez* (2016) 63 Cal. 4th 665.

10 Judge McAdam indicates that the defendant's cannabis use was not entirely excluded, rather
11 it was Mr. Najkayama's findings from his report that were excluded.

12 Disagreement with a judge's lawful ruling does not constitute bias or prejudice sufficient to
13 warrant a disqualification. Even if the court erred, it does not establish bias and is not a proper
14 ground for disqualification. (*LaBlanc*, *supra*.)

15 The People provide no legal authority that Judge McAdam's ruling constituted legal error
16 and sought no appellate review.

17

18 **J. Treatment of Trial Counsel:**

19 The People state that during a side bar conversation relating to an objection made by the
20 People, defense counsel referred to one of the prosecutors as "Dr. van der Hoek". The prosecutor
21 reported this to Judge McAdam and "Judge McAdam stated that he had not heard the remark and
22 that it needed to stop."

23 C.C.P. §128(a)(5) states that the court shall have the power to control the conduct of all
24 persons in any manner connected with a judicial proceeding.

25 Code of Judicial Ethics, Canon 3B(4) states a judge shall require lawyers to be patient,
26 dignified, and courteous.

27 Every court shall have the power to provide for the orderly conduct of proceedings before it
28 and to control in furtherance of justice, the conduct of its ministerial officers, and of all other

1 persons in any manner connected with the judicial proceeding before it. This duty extends to
2 requiring attorneys to be patient, dignified, and courteous in their courtroom behavior. (*Fletcher*
3 *v. Commission on Judicial Performance* (1998) 19 Cal. 4th 865.)

4 In this instance, the People set forth in their Statement of Objection that once the conduct
5 was reported to Judge McAdam, that Judge McAdam informed counsel that "it needed to stop".
6 Thus, Judge McAdam took immediate corrective action to provide for the orderly operation of
7 his courtroom and to provide a patient, dignified, and courteous atmosphere.

8 The People did not indicate that this prejudiced their case in any way during the trial and they
9 did not seek appellate review regarding this issue.

10

11 **K. Anonymous Post Card:**

12 The People attach as Exhibit N, an anonymous postcard that was reportedly received by the
13 District Attorney's office on June 9, 2025. The content of this postcard reads in part, "I am a
14 Yolo County resident and have been following the trial of the evil murderer, Carlos Reales
15 Dominguez who was an illegal alien but somehow made it to UC Davis pre-med program! This
16 is the result of insane California sanctuary city policies.....I have only watched a few days, in
17 small clips, of this trial....".

18 There is no identification of the writer, no return address, and no declaration in support of
19 his/her contentions.

20 It is the People's position that this postcard demonstrates that there is a perception of bias in
21 the public eye.

22 Again, a judicial officer should be disqualified when a person aware of the facts might
23 reasonably entertain a doubt that the judge would be able to be impartial. (C.C.P. §170.1
24 (a)(6)(A)(iii).)

25 The reasonable person is not someone who is hypersensitive or unduly suspicious, but rather
26 is a well-informed, thoughtful observer. (*Weschler v. Superior Court* (2014) 224 Cal. App. 4th
27 384, citing *United Farm Workers of America v. Superior Court* (1985) 170 Cal. App. 3d 97;
28 *Haworth v. Superior Court* (2010) 50 Cal. 4th 372.)

1 Here, the anonymous writer appears hypersensitive in that he/she accuses the defendant as
2 being an “evil murderer”; “an illegal alien”; who “somehow made it to UC Davis pre-med”; that
3 this “is the result of insane California sanctuary city policies”; and that “I have only watched a
4 few days, in small clips, of this trial.” Based on the writer’s own acknowledgement, of watching
5 a very limited portion of the trial, an argument cannot even be made that they are “well-
6 informed”.

7 This postcard does not rise to the level of a reasonable person who might entertain a doubt as
8 to the impartiality of Judge McAdam.

9

10 **L. Embroilment:**

11 The People state that on July 24, 2025, the parties met during a trial setting conference.
12 During this conference an Amended Information was discussed. Judge McAdam reportedly
13 expressed that he did not believe that there should be an enhancement for willful, deliberate, and
14 premeditated attempted murder as to Count 3. The People argue that this is embroilment in the
15 formulation of charges by Judge McAdam and that Judge McAdam’s statement that, “I think it
16 may be subject to pre-trial motions”, was making suggestions to the defense on how to proceed
17 with their case.

18 Judicial opinions expressed during the discharge of litigation and judicial duties are not
19 sufficient to establish bias. (*In re Morelli* (1970) 11 Cal. App. 3d, 819, 843; *In re Lemen* (1980)
20 113 Cal. App. 3d 769, 789-791.)

21 It is logical, and a daily occurrence, for a trial court judge to question both sides of a case to
22 determine legal issues that may arise, spot issues, identify legal theories that may need to be
23 addressed, and to understand the theory that each side may present. This is not embroilment, but
24 rather ensuring an orderly and efficient judiciary.

25 Regarding Judge McAdam’s alleged statement that there may be pre-trial motions, including
26 in limines; this case is essentially starting from scratch with a new trial. Judge McAdam states in
27 his Answer that the parties filed more than one dozen pre-trial motions before the first guilt and
28 sanity phase trial, none of which carry over to the new trial.

1 It would be unimaginable for any party to this litigation to think that there will not be any
2 pre-trial motions prior to a retrial in a case of this magnitude.

3 Judge McAdam's points out in his Answer that currently there are no such motions pending.
4 However, Judge McAdam indicates that he has an open mind and no fixed opinion on any issues.

5 This court is not aware of any pending appellate review on this issue.

6

7 **M. People's 1054.3 Motion:**

8 At the November 20, 2025 hearing, the People sought to have a psychological evaluation of
9 the defendant completed. Judge McAdam denied this request.

10 In Judge McAdam's Answer, he specifies that the People sought to explore a new theory of
11 the case, specifically that the defendant committed the crimes under a Cannabis Induced
12 Psychosis, rather than a psychotic episode.

13 Judge McAdam conducted a hearing on this issue and concluded that, the defendant's mental
14 health had been before the court since May 2023; the expert doctors appointed by the Court had
15 addressed the issue of cannabis use; the Prosecution had a full opportunity to cross-examine
16 those doctors on the issue and chose not to; and an evaluation now more than 2 years after the
17 crime, and after the defendant has been treated for schizophrenia since June 2023, would offer
18 little relevance to the defendant's state of mind in April and May 2023.

19 Disagreement with a judge's lawful ruling does not constitute bias or prejudice sufficient to
20 warrant a disqualification. Even if the court erred, it does not establish bias and is not a proper
21 ground for disqualification. (*LaBlanc*, *supra*.)

22 The People provide no legal authority that Judge McAdam's ruling constituted legal error
23 and to this court's knowledge, sought no appellate review.

24

25 **N. Suggestions to Defense Counsel:**

26 The People state that during the November 20, 2025, hearing, Judge McAdam stated, "there
27 would be motions on the matter", and that "there may be motions associated with this". The
28

1 People also report that Judge McAdam stated, “the prosecution has every right to pursue their
2 theory of the case, I’ll take it motion by motion.”

3 For the same reasons set forth regarding Embroilment, this argument also fails to
4 demonstrate bias.

5

6 **V. CONCLUSION:**

7 When a judge is disqualified on the grounds that a person aware of the facts might
8 reasonably entertain a doubt that the judge would be able to be impartial, the standard is an
9 objective one but is not limited to the existence of an actual bias. (CCP §170.1(a)(6)(A)(iii),
10 *Bassett Unified School District v. Superior Court* (2023) 89 Cal. App.5th 273, 285.)

11 The situation must be viewed through the eyes of the average person on the street.
12 (*United Farm Workers of America v. Superior Court* (1985) 170 Cal. App. 3d 97, 104.)

13 Potential bias and prejudice must be clearly established and courts must apply with
14 restraint those statutes authorizing disqualification of judges due to bias. (*In re Scott* (2003) 29
15 Cal.4th 783, 817.)

16 A party seeking disqualification must produce evidence from which reasonable
17 inferences can be drawn, and absent such evidence a challenge almost certainly will fail. (*Estate*
18 *of Buchman* (1955) 132 Cal. App. 2d 81, 104; *Golish v. Feinstein* (1932) 123 Cal. App. 547,
19 549.)

20 The challenging party has a “heavy burden” and must clearly establish the appearance of
21 bias. (*Bassett Unified School District v. Superior Court* (2023) 89 Cal. App. 5th 273, 285.)

22 It is not grounds for disqualification that a judge has expressed a view on a legal or
23 factual issue presented in the proceeding. Statements by a judge consistent with the judge’s view
24 that the matter before the court lacks legal merit are not grounds for disqualification and do not
25 establish the appearance of bias against the challenging party. Nor does the judge’s refusal to
26 allow oral argument satisfy the heavy burden required to establish the appearance of bias. (*Clary*
27 *v. City of City* (2017) 11 Cal. App. 5th 274, 300.)

28 Mere statements or conclusions that the judge is biased, do not meet this burden.

The evidence presented by the People does not establish objective bias or prejudice against them. It merely shows the People's disagreement with Judge McAdam's interpretation of, and application of law, to the facts of the underlying case.

Based on a complete review of the Statement of Objection and Verified Answer, a reasonable person aware of the facts could not reasonably entertain a doubt that Judge McAdam would be bias in this matter.

Accordingly, the People's challenge to the Honorable Samuel T. McAdam is **DENIED**.

IT IS SO ORDERED.

January 12, 2026

JOHN K. HINELY
Superior Court Judge
County of Sutter