IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SIXTH APPELLATE DISTRICT

CHRISTOPHER SCHUMB,
Petitioner,
v.
THE SUPERIOR COURT OF SANTA CLARA COUNTY,
Respondent;
THE PEOPLE,
Real Party in Interest.

H048532
Santa Clara County Super. Ct. No. C2010724

BY THE COURT:

To permit further consideration of the issues raised by the petition for writ of mandate and/or prohibition, all trial court proceedings against petitioner Christopher Schumb in Santa Clara County Superior Court case No. C2010724 are stayed until further order of this court.

The court requests that real party in interest serve and file on or before November 6, 2020, points and authorities in preliminary opposition to the petition. Petitioner may serve and file a reply to the preliminary opposition within 7 days after it is filed in this court.

The parties are directed to specifically address the following limited issues in their briefings:

(a) Where the elected District Attorney, determined by the trial court to be a friend of the defendant, is personally involved in the prosecution of the defendant and others for crimes related to alleged public corruption involving another elected official of the same county, is it reasonably possible that the District Attorney's Office may not exercise its discretionary function in an evenhanded manner, which conflict likely affects the fairness of the prosecution? (See *Haraguchi v. Superior Court* (2008) 43 Cal.4th 706, 713.)

(b) What is the relevance, if any, to the analysis under Penal Code section 1424 of the elected District Attorney being called as a percipient witness at trial in this matter? Does the analysis change if the District Attorney is called only as a character witness?

(c) Does the District Attorney's Office have a formal recusal policy? What is the relevance, if any, to the analysis under Penal Code section 1424 of the existence of and adherence to such a policy?

(d) Should the trial court have conducted an evidentiary hearing on the extent of the personal involvement of the elected District Attorney in the investigation or prosecution of this matter?

(Greenwood, P.J., Grover, J., and Danner, J.
participated in this decision.)

Date: 10/30/2020

P.J.