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**SHERIFF CHRISTINA CORPUS**

12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

13 **COUNTY OF SAN MATEO**

15 SHERIFF CHRISTINA CORPUS,

16 Petitioner,

17 v.

18 DISTRICT ATTORNEY STEPHEN  
WAGSTAFFE, SAN MATEO COUNTY  
19 DISTRICT ATTORNEY'S OFFICE; AND  
DOES 1 through 10

20 Respondents.

Case No.:

**PETITION FOR WRIT OF MANDATE, OR  
IN THE ALTERNATIVE WRIT OF  
PROHIBITION; MOTION FOR RECUSAL  
UNDER PENAL CODE § 1424(A)(1) AND  
GOVERNMENT CODE § 27642  
REQUEST FOR IMMEDIATE STAY**

Date:

Time:

Dept:

Judge:

22 **I. INTRODUCTION**

23 1. Petitioner Sheriff Christina Corpus ("Petitioner" or "Sheriff Corpus"), the duly elected Sheriff  
24 of San Mateo County, brings this action to request the recusal of the San Mateo County District  
25 Attorney's Office ("Respondent" or "SMDAO") from its prosecutorial role and administration of civil  
26 grand jury proceedings concerning Sheriff Christina Corpus.

27 2. Sheriff Corpus has been subpoenaed by the Respondent to appear before the Civil Grand Jury  
28 on June 10, 2025, at 9:00 a.m. to testify as a witness in a pending investigation. The SMDAO's

1 unprecedented consolidation of authority - simultaneously acting as prosecutor, civil grand jury  
2 administrator, and de facto county counsel - combined with multiple personal and professional conflicts,  
3 create an untenable situation that compromises the integrity of these proceedings. has created inherent  
4 and disabling conflicts that fundamentally compromise the independence and integrity of these  
5 proceedings.

6 3. Petitioner therefore seeks emergency judicial intervention through this petition, including an  
7 immediate stay of the grand jury proceedings. Additionally, Petitioner requests the issuance of a writ of  
8 mandate or prohibition to formally recuse the SMDAO from both its criminal and civil prosecutorial  
9 roles concerning Sheriff Corpus, as there exist inherent and explicit conflicts of interest requiring recusal  
10 under both Penal Code § 1424(a)(1) and Government Code § 27642.

## 11 **II. JURISDICTION AND VENUE**

12 4. Jurisdiction is proper under Code of Civil Procedure sections 1085 and 1094.5. Declaratory and  
13 injunctive relief is authorized by Code of Civil Procedure section 526, and California  
14 Constitution Article I, section 7.

15 5. Venue lies in the Superior Court of San Mateo County because Respondents are public entities  
16 and officials operating in this County, and the actions at issue occurred in this jurisdiction.

## 17 **III. PARTIES**

18 6. Petitioner is the duly elected Sheriff of San Mateo County.

19 7. Respondents are the District Attorney of San Mateo County Stephen Wagstaffe; San Mateo  
20 County District Attorney's Office; San Mateo County public entities and officials engaged in the  
21 administration of the civil grand jury proceedings.

22 8. Does 1-10 are public entities and officials engaged in the administration of the removal  
23 procedures.

## 24 **IV. FACTUAL ALLEGATIONS**

25 8. On May 28<sup>th</sup>, 2025, the San Mateo County District Attorney's office subpoenaed Sheriff  
26 Christina Corpus to appear before the Civil Grand Jury of the County of San Mateo on June 10,  
27 2025, at 9:00 a.m.

28 9. The San Mateo County District Attorney's Office currently serves in multiple, conflicting roles

1 regarding matters involving Sheriff Christina Corpus such as acting as prosecutor in potential  
2 criminal matters, civil grand jury prosecutor, and functioning as de facto county counsel (county  
3 counsel has declared a conflict), creating an improper merger of advisory and prosecutorial duties  
4 that violates established legal principles and due process.

5 10. The District Attorney's Office has assigned investigators who are current or former members of  
6 the San Mateo County Deputy Sheriffs Association Union to investigate matters involving their  
7 own union president.

8 11. Stephen Wagstaffe, acting in his role as District Attorney has made public statements prejudging  
9 the Deputy Tapia matter, specifically stating that Deputy Tapia should not have been arrested.

10 12. Upon information and belief, the acting Chief Deputy Shin Mee Chang exercised professional  
11 decision of criminal probable cause in the Deputy Tapia investigation based on a "longstanding  
12 relationship" with the deputy sheriff investigator.

13 13. The District Attorney's Office faces a significant conflict as Chief Deputy Chang is likely to be  
14 called as a material witness in the Tapia investigation. This creates an untenable situation where  
15 the office would need to objectively evaluate and present testimony from its own Chief Deputy,  
16 compromising the independence and integrity of the proceedings.

17 14. Upon information and belief, the District Attorney has established and maintains close  
18 professional and personal relationships with key figures in this matter. Most notably, these  
19 relationships include County Manager Mike Callagy and his attorney Jim Hartnett, the latter of  
20 whom not only filed the Complaint against Sheriff Corpus but also served as District Attorney  
21 Wagstaffe's campaign manager. These intertwined professional and personal connections create  
22 an inherent conflict of interest in this matter. Additionally, both Hartnett and Wagstaffe serve  
23 together as board members of the 100 Club, further demonstrating their close association.

24 15. Upon information and belief, these conflicts mirror those present in the investigation of the San  
25 Mateo County Sheriff's Activities League Director, Barbara Bonilla, where District Attorney  
26 Wagstaffe appropriately recused his office due to conflicts of interest under similar  
27 circumstances in this jurisdiction.

28 16. Respondents' current legal posture creates multiple constitutional violations, including

Compromise of Sheriff Corpus's Fifth Amendment rights against compelled testimony and interference with her Sixth Amendment right to effective counsel.

### **FIRST CAUSE OF ACTION**

#### **A. Inherent Dual Role Conflict in Violation of Penal Code § 1424(a)(1) and Government Code § 27642) (Against All Respondents)**

20. Petitioner realleges and reincorporates by reference the allegations set forth in paragraphs 1 through 17, above.
21. The legal standard for recusal varies by role: For prosecutorial recusal, Penal Code § 1424(a)(1) requires a showing of a conflict that would make fair proceedings unlikely. For county counsel conflicts, Government Code § 27642 sets forth any conflict or adverse interest requires recusal, with a significantly lower threshold than prosecutorial recusal. The multiple conflicts of interest detailed above create circumstances where fair proceedings are unlikely, meeting the statutory threshold for mandatory recusal.
22. As established in *People v. Eubanks* (1996) 14 Cal.4th 580, 594, the two-part test requires both the existence of a conflict and proof that it is "so grave as to render it unlikely that defendant will receive fair treatment." Here, the overlapping roles and relationships create precisely such a grave conflict.
23. The multiple conflicts here satisfy both prongs of the *Eubanks* test. First, clear conflicts exist where: (1) DA investigators who are current/former Deputy Sheriff Association members are investigating their own union president; (2) the DA's office made prejudicial public statements about Deputy Tapia's arrest; and (3) Chief Deputy Chang will likely be a material witness.
24. Second, these conflicts are sufficiently grave to prevent fair treatment because: (1) investigators have inherent bias investigating their own union leadership; (2) the DA's public statements show prejudgment; and (3) the office cannot objectively evaluate testimony from its own Chief Deputy. The overlapping roles and relationships thus create precisely the type of grave conflict that mandates recusal under *Eubanks*.
25. The District Attorney's dual role as both prosecutor and legal advisor to the civil grand jury creates an impermissible conflict requiring recusal.

1 26. Under *People v. Superior Court (Greer)* (1977) 19 Cal.3d 255, a prosecutor's duty of neutrality  
2 is fundamentally compromised when serving these conflicting functions. Here, Respondents  
3 cannot meaningfully separate its obligation to provide impartial legal guidance to the civil grand  
4 jury from its prosecutorial duties, particularly where the same matters and witnesses may be  
5 involved in both proceedings.

6 27. This conflict is especially acute here, where the office must maintain grand jury secrecy while  
7 simultaneously fulfilling its Brady obligations in potential criminal proceedings. *McClatchy*  
8 *Newspapers v. Superior Court* (1988) 44 Cal.3d 1162, 1175. *Civil Service Com. v. Superior*  
9 *Court* (1984) 163 Cal.App.3d 70 establishes that even the appearance of such divided loyalties  
10 requires recusal.

## 11 **SECOND CAUSE OF ACTION**

### 12 **B. Violation of *McClatchy* Principles (Against all Respondents)**

13 28. Under *McClatchy, supra* civil grand jury testimony cannot be used for criminal  
14 prosecution purposes. The District Attorney's simultaneous roles make this separation and  
15 prohibition practically impossible to maintain because: The same office must maintain and  
16 enforce grand jury secrecy while evaluating potential criminal charges, prosecutors cannot  
17 meaningfully separate knowledge gained from civil grand jury prosecutor duties from their  
18 criminal prosecution functions, and the overlap in witness testimony, particularly regarding  
19 Deputy Tapia and Chief Deputy Chang, creates and inevitable breach of the *McClatchy*  
20 prohibition.

## 21 **THIRD CAUSE OF ACTION**

### 22 **C. Violation of the 14<sup>th</sup> Amendment of the U.S. Constitution and California Constitution** 23 **Article I, §7 (Against all Respondents)**

24 23. The merger of prosecutorial, advisory, and county counsel functions violates fundamental  
25 constitutional principles of due process. In *Marshall v. Jerrico, Inc.* (1980) 446 U.S. 238, 242,  
26 the Supreme Court established that due process requires "an impartial and disinterested tribunal  
27 in both civil and criminal cases."

28 24. Here, the District Attorney's Office's multiple roles create precisely the type of structural

1 conflict that *Marshall* warns against: As a prosecutor, the office must make objective charging  
2 decisions while simultaneously serving as the civil grand jury prosecutor and advisor. Further,  
3 the Office's role as de facto county counsel creates additional conflicts when advising on  
4 administrative matters that intersect with potential criminal investigations. Chief Deputy Chang's  
5 position as a material witness exemplifies this conflict – the office cannot maintain the  
6 impartiality required by *Marshall* while evaluating testimony from its own leadership.

7 25. Furthermore, the Supreme Court in *Young v. United States ex. Rel. Vuitton et Fils S.A.* (1987)  
8 481 U.S. 787, 807-808 emphasized that even the appearance of impropriety in prosecutorial  
9 functions can violate due process. The District Attorney's documented statements prejudging the  
10 Tapia matter and the assignment of union-affiliated investigators create exactly such an  
11 appearance of impropriety.

12 26. The disparate treatment evidenced by public statements by District Attorney Wagstaffe and  
13 investigative assignments demonstrates systemic bias. As held in *People v. Superior Court*  
14 (2004) 116 Cal.App.4th 1192, a prosecutor's duty includes ensuring equal application of the law.  
15 The documented bias here violates this fundamental principle shown through: public statements  
16 opposing Deputy Tapia's arrest, assignment of union-affiliated investigators to investigate their  
17 own union president and multiple conflicting roles of Respondents in matters involving Sheriff  
18 Christina Corpus.

19 27. These factors collectively demonstrate systematic bias that prevents the equal application of law  
20 under constitutional principles.

#### 21 **FOURTH CAUSE OF ACTION**

##### 22 **D. Violation of the Fifth Amendment to the U.S. Constitution (Against all Respondents)**

23 28. The structural conflicts undermine fundamental Fifth Amendment protections: The Respondents  
24 dual role compromises defendants' right against self-incrimination by blurring lines between  
25 civil and criminal proceedings.

26 29. Information obtained through civil grand jury prosecutorial functions may improperly influence  
27 criminal prosecutions, and the overlap between civil and criminal investigations creates a risk of  
28 compelled testimony being used in violation of constitutional protections and *Lybarger v. City*

*of Los Angeles* (1985) 40 Cal.3d 822.

30. These Fifth Amendment violations are particularly acute where, as here, the same office must navigate both civil and criminal aspects of interrelated matters while maintaining proper constitutional safeguards.

## V. PRAYER FOR RELIEF

WHEREFORE, Petitioner respectfully requests that this Court issue a peremptory writ of mandate directing Respondent to:

1. Issue an immediate stay of all civil grand jury proceedings pending resolution of the conflict issues presented herein;
2. Order the complete recusal of the San Mateo County District Attorney's Office from both civil and criminal aspects of these matters due to the insurmountable conflicts detailed above;
3. Appoint independent counsel to serve as legal advisor for civil grand jury proceedings to ensure compliance with constitutional and statutory requirements; and
4. Refer all criminal investigation aspects of these matters to the California Attorney General's Office for independent review and prosecution as appropriate.
5. Such other and further relief as the Court deems just and proper.

MURPHY, PEARSON, BRADLEY &amp; FEENEY

By

Mariah S. Cooks  
 Thomas P. Mazzucco  
 James A. Lassart  
 Christopher R. Ulrich  
 Attorneys for  
**SHERIFF CHRISTINA CORPUS**

**VERIFICATION OF PETITIONER  
(SHERIFF CHRISTINA CORPUS)**

I, Christina Corpus, declare as follows:

1. I am the Petitioner in this action, and I have read the forgoing Petition for Writ of Mandate to. I am familiar with the facts and circumstances alleged therein.
2. Based on my own personal knowledge and on information provided to me by my attorneys, Murphy, Pearson, Bradley & Feeney, I believe the facts alleged in the Petition are true and correct.
3. I make this verification based on my personal knowledge and on the information provided to me by counsel. A declaration of my counsel has also been filed in support of this Petition.

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

Executed on June 9, 2025, at San Francisco, California.

DocuSigned by:  
*Christina Corpus*  
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Christina Corpus



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**VERIFICATION OF MARIAH COOKS**

I, Mariah Cooks, declare as follows:

1. I am an attorney for Petitioner Christina Corpus. I drafted the forgoing Petition for Writ of Mandate. I am familiar with the facts and circumstances alleged therein.
2. Based on my own personal knowledge, I believe the facts alleged in the Petition are true and correct.
3. I make this verification based on my personal knowledge and on the information.

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

Executed on June 9, 2025, at San Francisco, California.



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Mariah S. Cooks