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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SACRAMENTO

ANGELA MARIE CHAVEZ, aunt of
8-year-old Sandra Renee Cantu;
ALEXA HANSEN, sister of Aryanna Doyle,
AMBER MARIE KAVANAUGH, mother of
6-week-old Alya Van Streefkerk;
PHYLLIS LOYA, mother of Pittsburg Police
Sgt. Larry Lasater;
LAUREN PATRICK, sister of David
Pettigrew;
JESSICA BYRD, wife of Parole Agent Joshua
Byrd;
CRIME VICTIMS UNITED OF
CALIFORNIA, a California nonprofit
corporation;
CITIZENS AGAINST HOMICIDE, INC., a
California nonprofit corporation;
CRIME SURVIVORS, INC., a California
nonprofit corporation;
STAND UP FOR VICTIMS, a California
nonprofit corporation;
GET VOCAL FOR VICTIMS, a California
nonprofit corporation;
VICTIM ADVOCATE ANGELS INC., a
California nonprofit corporation;
DORIS TATE CRIME VICTIMS BUREAU
d.b.a. CRIME VICTIMS ALLIANCE, a
California nonprofit corporation;
PEACE OFFICERS RESEARCH
ASSOCIATION OF CALIFORNIA, a
California nonprofit corporation;

Case No.

**VERIFIED PETITION FOR WRIT OF
MANDATE**

Cal. Code of Civ. Proc., § 1085

1 CRIMINAL JUSTICE LEGAL
2 FOUNDATION, a California nonprofit
corporation,

3 Petitioners,

4 vs.

5 BOARD OF PAROLE HEARINGS,

6 Respondent.
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8 INTRODUCTION

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10 This petition challenges the validity of recently promulgated regulations of the Board of
11 Parole Hearings (“the Board”) titled “Commutation and Recall of Sentence Recommendation
12 Assessment Process.” These regulations create an extensive process of evaluations and hearings
13 for inmates not yet or not ever eligible for parole to facilitate recommendations to the sentencing
14 court for recall and resentencing and to the Governor for commutation. They call for a positive
15 recommendation whenever an inmate meets the same criterion that is used for parole of a parole-
16 eligible inmate, with no consideration for the just punishment for the crime, the minimum
17 sentence for the crime, the other factors required by law to be considered in determining a
18 sentence, or the finality interests of the victims.

19 Petitioners are family members of murder victims, victims’ rights and service
20 organizations, and a peace officer organization. Petitioners challenge the regulations as not
21 authorized by law, contrary to sentencing law, contrary to the rights of victims under Marsy’s
22 Law, and promulgated in violation of the Administrative Procedure Act (“APA”).

23 Section 1172.1 of the Penal Code, subdivision (a)(1), allows a number of officials and
24 agencies to recommend to the sentencing court that a convicted felon’s sentence be recalled and
25 resentenced. The Board, alone among these agencies, has taken it upon itself to expand this
26 recommendation authority into a full-blown system of reviews and hearings paralleling and
27 resembling the system of parole hearings — the system that the people of California voted to curb
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1 in Marsy’s Law, Proposition 9 of 2008, due to the prolonged suffering it imposes on crime victims
2 and their families. (See Cal. Const., art. I, § 28, subds. (a)(6), (f)(6).) The Board has extended this
3 parallel system to include inmates convicted of first degree murder with special circumstances
4 sentenced to life without parole, despite initiative statutes mandating life without parole as the
5 minimum sentence for this crime and forbidding the striking of special circumstances. (See Pen.
6 Code, §§ 190.2, subd. (a), 1385.1.) It did so over the protests of murder victims’ families that it
7 was ripping away the finality promised by the life without parole sentences.

8 The regulations at issue are contained in a package of regulations designated BPH RN 25-
9 01 by the Board and given file number 2026-0528-01 by the Office of Administrative Law
10 (“OAL”). Following notice and comment proceedings described further below, OAL approved the
11 package on July 9, 2026, and filed it with the Secretary of State, effective October 1, 2026. The
12 first section of the package, adding section 2267 to title 15 of the California Code of Regulations,
13 deals with consultations for parole-eligible inmates. This section is not directly at issue in this
14 case, although it may be affected by the APA claims. The remainder of the package adds chapter
15 7.1, sections 2840 to 2859, to division 2 of title 15 of the California Code of Regulations, and
16 these sections are the subject of this petition. These sections are referred to in the remainder of this
17 petition as “the Regulations.”

18 For these reasons and those that follow, Petitioners allege:

19 **PARTIES**

20 1. On information and belief: Angela Chavez is the aunt of Sandra Cantu, who was
21 murdered at the age of eight after being kidnapped and sexually assaulted. Melissa Huckaby was
22 convicted of first degree murder of Sandra with special circumstances and sentenced to life
23 without parole. The sexual assault allegations were dismissed as part of the plea bargain. Ms.
24 Chavez and her family suffered additional emotional distress during the criminal proceedings but
25 were reassured by the finality of the life without parole sentence. The prospect of new parole-like
26 proceedings which could result in resentencing and eventual release causes her significant
27 emotional distress and anxiety. In addition, as a citizen of California, petitioner Chavez has an
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1 interest in seeing the law enforced, and as a taxpayer she has an interest in not seeing government
2 funds wasted on an illegally established program.

3 2. On information and belief: Amber Marie Kavanaugh is the mother of Alya Van
4 Streefkerk. Alya was six weeks old when she was tortured and murdered by her father, Kevin Van
5 Streefkerk, who pled guilty and was sentenced to life in prison without the possibility of parole.
6 The assurance of finality of this sentence, without the prospect of needing to oppose parole at
7 periodic hearings, was an important part of petitioner Kavanaugh's ability to begin healing after
8 Alya's murder. The prospect of parole-like hearings which may lead to a reduced sentence causes
9 her significant emotional distress and anxiety.

10 3. On information and belief: Alexa Hansen is the sister of Aryanna Lynn Doyle.
11 Aryanna was 28 years old when she was murdered by William Thomas, who burned her alive in
12 an abandoned trailer. Thomas was convicted and sentenced to 55 years to life in prison. If
13 administrative proceedings similar to parole hearings are held, possibly leading to a reduced
14 sentence, petitioner Hansen would feel required to attend and oppose. The emotional pain, anxiety,
15 stress, and retraumatization resulting from those proceedings would be substantial.

16 4. On information and belief: Phyllis Loya is the mother of Pittsburg Police Officer
17 Larry Lasater, who was shot and killed in the line of duty. Alexander Hamilton and Andrew
18 Moffett were convicted of this crime. Hamilton was sentenced to death; Moffett was sentenced to
19 life in prison. The regulations in this case may effectively require petitioner Loya to appear in a
20 parole-like proceeding to oppose reduction of Moffett's sentence. The emotional pain, anxiety,
21 stress, and retraumatization resulting from those proceedings would be substantial.

22 5. On information and belief: Lauren Patrick is the sister of David Pettigrew, who was
23 murdered in 2007 in Long Beach. Ramon Hernandez, Trevor Landers, and Anthony Vingeant
24 were convicted of first-degree murder of David Pettigrew with special circumstances and each was
25 sentenced to life without the possibility of parole. These sentences, with no prospect of needing to
26 oppose parole at periodic hearings, provided an important assurance of finality to petitioner
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1 Patrick. The prospect of parole-like hearings which may lead to a reduced sentence causes her
2 significant emotional distress and anxiety.

3 6. On information and belief: Jessica Byrd is the widow of Parole Agent Joshua Byrd,
4 who was murdered in the line of duty on July 17, 2025. Bryan Keith Hall has been charged with
5 first degree murder of Joshua Byrd with special circumstances. The case is pending. Petitioner
6 Byrd looks forward to the conclusion of the case and the imposition of a meaningful sentence. The
7 regulations at issue in this case threaten to effectively require petitioner Byrd to monitor
8 proceedings and participate in hearings to oppose reduction of the sentence imposed at times when
9 the perpetrator is not eligible for parole under the sentence. This prospect has caused her
10 significant emotional distress.

11 7. On information and belief: Petitioners Crime Victims United, Citizens Against
12 Homicide, Crime Survivors, Inc., Stand Up for Victims, Get VOCAL for Victims, Victim
13 Advocate Angels, and Doris Tate Crime Victims Bureau d.b.a. Crime Victims Alliance are
14 nonprofit California corporations providing advocacy and assistance to victims of crime in the
15 criminal justice system, including parole hearings and other post-conviction matters. If the
16 regulations at issue in this case go into effect, the number of victims and victims' families needing
17 the services of these organizations will almost certainly increase substantially, as BPH estimates
18 that 2,456 inmates will be immediately eligible for reviews. The additional demand will
19 substantially impact the organizations' limited resources and divert resources from existing needs.

20 8. The Police Officers Research Association of California (PORAC) is a nonprofit
21 California corporation representing over 88,000 public safety professionals through hundreds of
22 local law enforcement associations. Part of its mission is supporting the families of officers who
23 have been murdered in the line of duty. The additional proceedings created by the proposed
24 regulations would require PORAC to divert resources from other parts of its public safety mission.
25 In addition, the hearings would cause profound emotional trauma to the surviving family members
26 of murdered peace officers, many of whom were members of PORAC's member organizations.
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1 9. Petitioner Criminal Justice Legal Foundation (CJLF) is a nonprofit California
2 corporation dedicated to defending and enhancing the rights of victims of crime. From its
3 beginning in 1982, CJLF has played an active role in promoting the rights of victims to see that
4 the perpetrators of crimes against them and their families are properly punished according to the
5 law. CJLF has a continuing interest in and commitment to the public right being asserted and has
6 public interest standing. CJLF is a California taxpayer, pays sales taxes to the state, and has an
7 interest in not seeing government funds wasted on an illegally established program.

8 10. Respondent Board of Parole Hearings is a state government agency within the
9 California Department of Corrections and Rehabilitation. It is authorized to recommend prison
10 inmates to the sentencing court or the governor for resentencing or commutation, respectively.
11 BPH has a duty, enforceable via writ of mandate, to perform its functions within the law.

12 **JURISDICTION AND VENUE**

13 11. Superior courts have original jurisdiction in proceedings for extraordinary relief in the
14 nature of mandamus, certiorari, and prohibition. (Cal. Const., art. VI, § 10.)

15 12. This court has jurisdiction to issue the relief requested. (Code Civ. Proc., § 1085,
16 Gov. Code, § 11350.)

17 13. Respondent BPH's principal office is in Sacramento County, making this county an
18 appropriate venue. (Code Civ. Proc., § 395, subd. (a).)

19 **REGULATIONS AND CLAIMED AUTHORITY**

20 14. Section 3052 of the Penal Code authorizes the Board to make regulations regarding
21 parole for parole-eligible inmates. There is no comparable statutory authority to make regulations
22 regarding resentencing or commutation or regulations regarding inmates not eligible for parole.
23 Section 5076.2 imposes requirements on the Board for making regulations but contains no
24 additional grant of rulemaking authority. The Authority and Reference section of the Board's
25 Notice of Proposed Rulemaking Action of August 26, 2025, summarizes these statutes, along with
26 sections 1172.1 and 4801 of the Penal Code and section 12838.4 of the Government Code. None
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1 of these summaries claim that any of the statutes vest rulemaking authority other than the section
2 3052 authority regarding parole.

3 15. The Regulations create a systematic process for funneling to the courts a steady flow
4 of cases for resentencing in cases where the courts have already decided that the law and the facts
5 warrant a sentence of life in prison without parole or a sentence that renders the inmate ineligible
6 for release or parole for a period over 28 years. Regulation section 2843 defines eligibility for the
7 process as completion of 25 years of incarceration, excluding persons eligible for parole (regular,
8 youth, or elderly) within 3 years, persons sentenced to death, and a few others. Persons who have
9 already received sentences of life without parole as the minimum legally available sentence for
10 their crime (e.g., Pen. Code. § 190.2, subd. (a) [first degree murder with special circumstances])
11 are not excluded and are eligible if not otherwise excluded. Section 2844 provides for review of
12 every eligible inmate by a hearing officer, to be followed by a hearing if referred or a repeat of the
13 process in three years if not referred.

14 16. Regulation section 2856, subdivision (b), sets the standard for whether to recommend
15 an inmate for resentencing or commutation based solely on the Board's assessment of present
16 dangerousness. There is no provision made for denying a recommendation on the grounds that the
17 inmate has already received the lowest legal sentence for the crime or that other factors that courts
18 are required to consider in sentencing may weigh heavily against any reduction in sentence. In
19 cases where a court cannot legally reduce the sentence without vacating the conviction, the
20 standard has no provision for a determination that such a vacation is legally available or
21 appropriate.

22 17. Section 2858 of the Regulations provides that all inmates found to meet the standard
23 of section 2856 will be recommended for both resentencing and commutation. There is no
24 provision for a determination that a case might be appropriate for one but not the other.

25 **LACK OF RULEMAKING AUTHORITY**

26 18. Respondent Board of Parole Hearings has no authority to promulgate regulations
27 creating a system of reviews and hearings regarding resentencing and commutation. The Board's
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1 only expressly conferred rulemaking authority is over parole. The authorizations to recommend in
2 sections 1172.1 and 4801 of the Penal Code do not confer rulemaking authority expressly or by
3 implication. The authority section of the Notice of Proposed Action does not cite any statute as
4 conferring rulemaking authority regarding resentencing or commutation.

5 19. By creating an extensive system of reviews and hearings, the Board has expanded the
6 scope of sections 1172.1 and 4801 without legislative authorization.

7 **INCONSISTENCY WITH STATUTES AND CONSTITUTION**

8 20. Section 1172.1, subdivision (a)(2) of the Penal Code requires courts conducting
9 resentencing to apply the same rules that apply on initial sentencing. These rules include factors
10 beyond the defendant's present dangerousness, including just punishment for the crime (which
11 necessarily considers the gravity of the crime and the impact on victims), deterrence of others,
12 achieving uniformity of sentencing, and other factors the court may deem relevant. (Cal. Rules of
13 Court, rules 4.410(a)(2), (a)(4), (a)(7), 4.408(a).) In addition, section 1172.1(a)(2) directly requires
14 consideration of uniformity of sentencing. By compelling the recommendation decision to be
15 made solely on the present assessment of dangerousness without regard to these other factors, the
16 Regulations are inconsistent with the statute they purport to implement and therefore invalid.
17 (Gov. Code, § 11342.2.)

18 21. The statutory authorization to recommend resentencing implies the exercise of
19 judgment as to whether resentencing is appropriate in the individual case, including whether the
20 sentence is fixed by law so that there is nothing to reconsider. For adults convicted of first degree
21 murder with special circumstances, the only legal sentences are life in prison without parole and
22 death. (Pen. Code, § 190.2, subd. (a).) Striking the special circumstance after a guilty or nolo
23 contendere plea or after a jury or court finding is forbidden by law. (Pen. Code, § 1385.1.) Both of
24 these statutes were enacted by initiative, limiting the ability of the Legislature to amend them,
25 directly or indirectly. (Cal. Const., art. II, § 10, subd. (c).) The fact that the inmate has already
26 received the lowest legal sentence for the crime is an inescapably relevant factor in whether to
27 recommend resentencing. By compelling a positive recommendation based on assessment of
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1 dangerousness alone without considering this fact, the Regulations are inconsistent with both the
2 statute being implemented and standards prescribed by other provisions of law, and therefore they
3 are invalid. (Gov. Code, §§ 11342.1, 11342.2.)

4 22. To the extent that a recommendation for resentencing might entail a recommendation
5 to reduce the conviction to a lesser offense (Pen. Code, § 1172.1, subd. (a)(3)(B)), making such a
6 recommendation based on assessment of dangerousness alone is also inconsistent with statutes.
7 While subdivision (a)(3)(B) does not expressly state the grounds for this action, it is best
8 understood as referring to the same grounds as modification of a verdict after trial (Pen. Code, §
9 1181), both for consistency with the “same rules” requirement of subdivision (a)(2) and to avoid
10 the multiple, serious constitutional doubts of an unfettered discretion to vacate convictions. (See
11 Cal. Const., art. I, §§ 16 [jury trial], 28, subds. (a)(6), (b)(9) [finality], 29 [people’s due process],
12 art. II, § 10, subd. (c) [amendment of initiatives], art. III, § 3 [separation of powers], art. VI, § 13
13 [limits on setting aside judgments].) If section 1172.1, subdivision (a)(3)(B) is so understood, the
14 Regulations are inconsistent with the statute being implemented, as it requires a recommendation
15 without regard to whether any legal grounds or even a substantial claim of legal grounds exist. If it
16 is not, this subdivision is unconstitutional, and there is no valid statute to implement.

17 23. The regulations are inconsistent with crime victims’ right to finality under article I,
18 section 28, subdivisions (a)(6) and (b)(9) of the California Constitution (Marsy’s Law). The
19 regulations create a new kind of post-judgment proceeding causing the same kind of suffering as
20 the parole hearings limited in Marsy’s Law, extending them to persons not eligible for parole.
21 Further, the hearings are automatically repeated at three year intervals with no showing that such a
22 short time is needed in the individual case, a practice forbidden for parole by Marsy’s Law. (Pen.
23 Code, § 3041.5, subd. (b).) Under the principle that constitutional provisions must be interpreted
24 liberally and broadly to achieve their objectives, the regulations are inconsistent with Marsy’s Law
25 and invalid.

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APA VIOLATIONS

24. During the promulgation of these regulations, the Board committed numerous violations of the rulemaking provisions of the Administrative Procedure Act (Gov. Code, §§ 11340 et seq.), which individually and cumulatively amount to substantial noncompliance. These violations are described in the following paragraphs.

25. **Authority.** Section 11346.2, subdivision (a)(2) of the Government Code requires the agency to designate for each section “the specific statutes or other provisions of law authorizing the adoption of the regulation.” For every section at issue, the Board cited “Section 12838.4, Government Code; and Sections 1172.1(a), 4801(a), and 5076.2, Penal Code.” None of these sections contains an affirmative grant of rulemaking authority, as described in paragraph 14, *supra*. The Board failed to comply with section 11346.2.

26. **Necessity.** The APA requires the agency to state the rationale and show by substantial evidence in the rulemaking file that the regulation is necessary “to effectuate the purpose of the statute.” (Gov. Code, §§ 11349, subd. (a), 11346.2, subd. (b)(1).) Section 1172.1 of the Penal Code gives permissive authority to the Board to recommend inmates to the court for resentencing, as it does to various other agencies, but it does not impose any special responsibility on the Board different from those other agencies. Section 1172.1 does not contain a mandate to launch an extensive program to search for candidates to recommend. Neither the initial nor the final statement of reasons contains an adequate rationale or substantial evidence to show that these regulations are necessary.

27. **Comments and Alternatives, Special Circumstance Murder.** The Board failed to adequately respond to comments and adequately explain its refusal to adopt a suggested alternative regarding cases of first degree murder with special circumstances. Commenters noted the lack of authority in the trial court to strike a special circumstance making life without parole the minimum sentence, as noted in paragraph 21, *supra*, and suggested an alternative of excluding these cases. Despite having referenced the court’s limited resentencing authority in death sentence cases as a reason to exclude them, the Board failed to address why the same reason did not warrant

1 the same exclusion for those sentenced to life without parole for the same crime. The Board failed
2 to address why excluding persons who have already received the minimum sentence for their
3 crime would not meet the objectives at lesser cost and impact on local agencies and victims of
4 crime.

5 **28. Comments and Alternatives, Hearing Intervals.** The Board failed to adequately
6 respond to comments and adequately explain its refusal to adopt the suggested alternative of
7 following the intervals for subsequent hearings in Marsy’s Law. Even though the process parallels
8 parole hearings in many respects and even though the Board acknowledged that the longer
9 available intervals in Marsy’s Law were enacted “to reduce the frequency of full parole hearings
10 due to the impact those hearings have on victims and their families,” the Board declined the
11 alternative on the summary statement that this “process is fundamentally different.” The Board did
12 not explain how the hearings are different from parole hearings in a way that mitigates the impact
13 on victims and their families that was the driving force behind Marsy’s Law. The Board claimed
14 that the interval was needed to address “whether an individual’s circumstances have changed”
15 without considering whether denial may be appropriate for reasons that never change, specifically
16 the gravity of the crime and the extent of harm intentionally caused by the perpetrator.

17 **29. Undermining Victims’ and Victims’ Organizations’ Ability to Comment and**
18 **Abuse of Discretion on Extension.** On information and belief: Officers of the Board informed
19 representatives of the California District Attorneys Association (CDAA) that the Regulations were
20 not going forward and later revealed that they were going forward only four days before the
21 comment deadline. Four days was an inadequate time for CDAA to disseminate the information to
22 victims’ organizations, for those organizations to inform victims of crime, and for the victims and
23 the organizations to meaningfully review the proposed regulations and comment on them. Despite
24 a request from CDAA to extend the comment period under section 11346.8, subdivision (e) of the
25 Government Code, the Board refused. The Board’s response to the comments of CDAA and
26 others on this point was inadequate in that it failed to acknowledge the Board’s own role in
27 creating the situation and failed to state any prejudice that would follow from a brief extension or
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1 any other adequate reason for not granting one. The Board’s refusal to extend was an abuse of
2 discretion under these circumstances.

3 **30. Cost Determinations, Nonreimbursable.** Section 11346.5, subdivision (a)(6) of the
4 Government Code requires the promulgating agency to estimate costs to local agencies, including
5 those reimbursable by the state and “other nondiscretionary cost[s],” i.e., those that are not
6 reimbursable. Resentencing proceedings under Penal Code section 1172.1 (formerly section
7 1170.03), which will be increased in frequency by the Regulations, do result in costs to local
8 agencies, as determined by the same Commission on State Mandates (“the Commission”) decision
9 relied on by the Board for the reimbursement point, number 22-TC-03, January 26, 2024, page 17.
10 These costs are mandatory. On the defense side, section 1172.1, subdivision (b)(1), requires
11 appointment of counsel. On the prosecution side, appearing to oppose a reduction of sentence that
12 would amount to a miscarriage of justice cannot be regarded as discretionary in this context, where
13 a default would be a dereliction of duty. Appearance at the Board’s hearing, even if voluntary in a
14 narrow sense, is effectively mandatory to head off the much greater expense of an ill-advised
15 resentencing proceeding. The county sheriff also incurs mandatory costs in the resentencing
16 proceeding in providing court security. The Board’s determination that there are no
17 nondiscretionary costs to local agencies is false, and its failure to estimate them is a material
18 violation of the APA.

19 **31. Cost Determinations, Reimbursable.** The Board stated that costs incurred by local
20 agencies are not reimbursable by the state, relying on a decision of the Commission on State
21 Mandates, as noted in the previous paragraph. That decision considered the statute authorizing
22 resentencing proceedings to be equivalent for this purpose to the youth offender parole statute,
23 which the California Supreme Court decided in *People v. Franklin* (2016) 63 Cal.4th 261, 278, to
24 have altered the punishment for the crime. Hence, said the Commission, the expense was not
25 reimbursable under the change in punishment exception of section 17556, subdivision (g) of the
26 Government Code. The Commission decision is incorrect; the two statutes are not equivalent for
27 this purpose. In the alternative, if section 1172.1 does change the punishment for the crime, it is
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1 unconstitutional as applied to sentencing statutes enacted by initiatives, including Penal Code
2 section 190.2 [LWOP minimum for first degree murder with special circumstances by an adult],
3 under article II, section 10, subdivision (c) of the California Constitution. Either way, the
4 punishment for the crime has not been validly changed, and the cost is reimbursable. The Board's
5 statement that there is no reimbursable cost is false, and the failure to estimate it is a material
6 violation of the APA.

7 **STANDING**

8 32. On information and belief, petitioners Alexa Hansen, Amber Marie Kavanaugh,
9 Phyllis Loya, Lauren Patrick, and Jessica Byrd are victims of crime within the meaning of article
10 I, section 28, subdivision (c) of the California Constitution and have a protectable legal interest in
11 the finality of sentence of the perpetrators of the crimes against them or their family members and
12 a protectable legal interest in avoiding the dilemma of choosing between the trauma of retelling
13 the story of victimization or allowing proceedings leading to early release to go unopposed.

14 33. On information and belief: Petitioner PORAC has representative standing in that the
15 families of members of its member organizations are subject to the same kind of trauma from
16 these regulations as the individual petitioners described in the previous paragraph.

17 34. On information and belief, petitioners Crime Victims United of California; Citizens
18 Against Homicide, Inc.; Crime Survivors, Inc.; Stand Up for Victims; Get Vocal for Victims;
19 Victim Advocate Angels Inc.; and Doris Tate Crime Victims Bureau d.b.a. Crime Victims
20 Alliance are organizations that provide support to victims of crime and families of victims
21 opposing early release of perpetrators, and their limited resources will be further strained by the
22 increase in hearings and resentencing proceedings that will be caused by these regulations.

23 35. On information and belief, all petitioners in this case are citizens of California (for
24 organizations, "citizens" as that term is used in public interest standing precedents) and have an
25 interest in seeing the law enforced.

26 36. On information and belief, petitioners Angela Chavez and Criminal Justice Legal
27 Foundation are California taxpayers as alleged in paragraphs 1 and 9, *supra*, and have an interest
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1 in preventing the waste of government funds in implementing invalid regulations, within the
2 meaning of the common law taxpayer standing doctrine.

3 **APPROPRIATENESS OF MANDATE**

4 37. As a California government agency, the Board has a duty to follow the law regarding
5 the limits of its regulatory authority and the procedural requirements to promulgate regulations.
6 These are public duties, and the right to have them observed is a public right.

7 38. Petitioners have no plain, speedy, and adequate remedy in the ordinary course of law.
8 No action for damages is available in these circumstances, and no such remedy would be
9 adequate. Mandate is the appropriate action to compel performance of an official duty, even when
10 an injunction is available. The writ of mandate is an appropriate procedure to adjudicate the
11 validity of regulations. The issuance of a writ restraining enforcement of invalid regulations and
12 declaratory relief are available remedies in mandate proceedings of this type.

13 **RELIEF REQUESTED**

14 For the reasons stated above, petitioners request that this court:

15 1. Issue a writ of mandate ordering the Board of Parole Hearings not to enforce sections
16 2840 to 2859 of title 15 of the California Code of Regulations and not to conduct any of the
17 proceedings specified in those regulations.

18 2. Grant declaratory relief declaring that sections 2840 to 2859 of title 15 of the
19 California Code of Regulations are invalid and void.

20 3. Award petitioners costs of this action and reasonable attorneys' fees.

21 4. Grant such other and further relief as the court may deem just and proper, including
22 another form of writ if the court determines that another form is more appropriate.

23 Dated: July 15, 2026

24 Respectfully submitted,

25 / s / Kent Scheidegger
26 KENT SCHEIDEGGER
27 *Attorney for Petitioner*
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VERIFICATION

I, Anne Marie Schubert, declare as follows:

I am the President of the Criminal Justice Legal Foundation, a Petitioner in this action. I have read the foregoing Verified Petition for Writ of Mandate and know its contents. All facts alleged in the Petition are true of my own personal knowledge except the paragraphs designated “on information and belief,” and as to those I am informed and believe them to be true. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 15th day of July, 2026, at Sacramento, California.

ANNE MARIE SCHUBERT