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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

9 **IN AND FOR THE COUNTY OF SAN DIEGO**

10 THE PEOPLE OF THE STATE OF
11 CALIFORNIA,

12 Plaintiff,

13 v.

14 PARRISH CHAMBERS

15 Defendant.
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Case No. SCD295029
DA No. AEY358

**REQUEST TO DISQUALIFY
JUDGE HOWARD SHORE
UNDER CCP § 170.1, POINTS
AND AUTHORITIES IN
SUPPORT THEREOF AND
VERIFIED STATEMENT**

Date:
Time:
Dept:
Witnesses: 0
Time Estimate: 1 hour

20 **TO: THE HONORABLE JUDGE RODERICK SHELTON, JUDGE**
21 **HOWARD SHORE, AND SUMMER STEPHAN THE DISTRICT**
22 **ATTORNEY FOR THE COUNTY OF SAN DIEGO AND HER**
23 **AUTHORIZED REPRESENTATIVE;**

24 NOTICE IS HEREBY GIVEN that on the above date, time and
25 location, defendant PARRISH CHAMBERS will move the court for an order
26 disqualifying the Judge Howard Shore for cause.
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1 The Defense requests Judge Howard Shore disqualify himself under
2 Code of Civil Procedure 170.1(a)(6)(A). Should the court decline to recuse
3 himself from the case, then counsel moves to disqualify Judge Shore from
4 presiding over the above entitled action, and brings this motion pursuant to
5 the Code of Civil Procedure sections 170.1(a)(6)(A)(i), (ii), and (iii): A judge
6 shall be disqualified for any reason, including: (i) a judge believes his or her
7 recusal would further the interests of justice; (ii) a judge believes there is a
8 substantial doubt as to his or her capacity to be impartial; and (iii) a person
9 aware of the facts might reasonably entertain a doubt that the judge would
10 be impartial. Counsel is objecting on these grounds because Judge Shore
11 has acted in violation of the Code of Civil Procedure Section 170.1(a)(6)(A)(iii)
12 and 170.1(a)(6)(B) by his prejudicial conduct, statements, and rulings toward
13 Black, Indigenous, and People of Color, and by his prejudicial conduct for
14 which he received a severe sanction from the Commission on Judicial
15 Performance based on his repeated lies about his actions that led to a
16 censure, and his lack of integrity when confronted by his actions that led to a
17 censure. (Exhibit A.)

18 This objection and motion are based on the attached memorandum of
19 points and authorities, the attached sworn statement of facts, the records,
20 pleadings, and papers on file in this action, attached exhibits, and on such
21 oral and/or documentary evidence as will be presented at the hearing on this
22 motion.

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TABLE OF EXHIBITS

LETTER	DESCRIPTION
A	Decision and Order Imposing Severe Public Censure Pursuant to Stipulation
B	Partial Transcript, <i>People v. Harris</i> SCD284290 (Feb. 6, 2020)
C	Partial Transcript, <i>People v. Spencer-Simmons</i> SCD283133 (Feb. 17, 2022)
D	Partial Transcript, <i>People v. Barshell</i> M272759, (June 30, 2022)
E	Partial Transcript, <i>People v. Bonds</i> M280282 (Aug. 2, 2022)
F	Partial Transcript, <i>People v. Bonds</i> M280282 (Nov. 3, 2023)
G	Statement of Dr. Karen S. Glover, Professor Sociology, Criminology & Justice Studies, Expert in the Area of Racial Profiling
H	CV of Dr. Karen S. Glover
I	Statement of Decision On Defendant's Motion for Relief Under the Racial Justice Act (Penal Code Section 745(a)(1), Nov. 9, 2022.
J	Samuel Sinyangwe, <i>Evaluating Policing in San Diego</i> , p. 41, (Dec. 3, 2019) available at www.policescorecard.org/sandiego
K	Center for Policing Equity, <i>National Justice Database City Report, San Diego Police Department, 2017-2020</i> , (June 17, 2021.) available at https://www.sandiego.gov/police/about/police-equity-report
L	Excerpt Ijeoma Oluo, <i>So You Want To Talk About Race?</i> , Seal Press, at p. 26 (first paperback ed. 2019)
M	Declaration of Ms. Katherine Braner and Ms. Megan Marcotte

(Full transcripts are available upon request or by viewing the court file in *People v. Chambers* SCD295029)

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1 **STATEMENT OF CASE**

2 On June 17, 2022, the District Attorney charged Mr. Parrish
3 Chambers with the murder of Connie Dadkhah. He was arraigned on June
4 20, and entered pleas of not guilty. Preliminary hearing was held on August
5 17, 2022, where Mr. Chambers was held to answer on the charge of murder.
6 Attempts were made to settle the case but were unsuccessful. Ultimately,
7 trial was set for January 31, 2024. On January 11, 2024, the defense filed a
8 motion pursuant to Penal Code section 745 (the Racial Justice Act). As with
9 all motions, the clerk of the court (by order of criminal presiding) assigned
10 the case to Judge Shore. This motion follows.

11 **STATEMENT OF FACTS IN SUPPORT OF DISQUALIFICATION**

12 On December 13, 2023, Judge Shore received a Severe Public Censure
13 from the Commission on Judicial Performance. (Exhibit A.) This censure was
14 for a dereliction of duties assigned to him under the Code of Judicial Ethics
15 and the California Constitution. As a part of the censure Judge Shore
16 admitted to acts of deception, dishonesty, and theft of public funds (by way of
17 wage payment for time he admitted he did not work). When confronted with
18 his actions, Judge Shore failed to tell the truth and lied about his conduct.
19 When shown more evidence of his deceit, Judge Shore amended his
20 statement but continued to lie about his actions. On the third and final
21 occasion, Judge Shore lied again about his conduct. As a result of his
22 dishonesty and criminality Judge Shore cannot, without bias, preside over
23 criminal matters.

24 In addition to Judge Shore’s admitted dishonesty and dereliction of
25 duties, he has made statements that show a clear racial bias against Black,
26 Indigenous, and People of Color (“BIPOC”). He has made statements
27 contrary to legislative findings and has implied that he will not follow the
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1 law, or findings of the California Legislature. He has in fact disregarded his
2 duty to be impartial in order to sow his personal ideals.

3 Judge Shore’s bias was exhibited in the following ways:

- 4 1. On February 6th, 2020, Judge Shore heard a motion hearing to
5 suppress evidence. In the hearing, officers received a “be on the
6 lookout” for a twenty-year-old African American woman with brown
7 hair and purple leggings. The police used that “be on the lookout” to
8 stop Ms. Harris—a 45-year-old Black woman, with a blond weave and
9 black leggings. To this obvious display of racial bias, Judge Shore
10 stated: “I want to indicate that it’s very easy to make racial
11 accusations against a police officer and if in fact there’s clear evidence
12 the police are doing something because of race, I will come down [on
13 them] ... but I don’t see that evidence here.” (Exhibit B. at p. 71:17.)
14 Then later: “I reject any racial animus on the part of the police
15 officers.” (*Id.* at p. 74:18.)
- 16 2. The California Legislature passed the Racial Justice Act, and it was
17 signed into law by the Governor on September 30, 2020. The
18 Legislature made the following findings: “It is the intent of the
19 Legislature to eliminate racial bias from California’s criminal justice
20 system because racism in any form or amount, at any stage of a
21 criminal trial, is intolerable, inimical to a fair criminal justice system,
22 is a miscarriage of justice under Article VI of the California
23 Constitution, and violates the laws and Constitution of the State of
24 California. Implicit bias, although often unintentional and
25 unconscious, may inject racism and unfairness into proceedings
26 similar to intentional bias. The intent of the Legislature is not to
27 punish this type of bias, but rather to remedy the harm to the
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1 defendant's case and to the integrity of the judicial system. It is the
2 intent of the Legislature to ensure that race plays no role at all in
3 seeking or obtaining convictions or in sentencing. It is the intent of the
4 Legislature to reject the conclusion that racial disparities within our
5 criminal justice are inevitable, and to actively work to eradicate them.”
6 (2020 Cal ALS 317, 2020 Cal AB 2542, 2020 Cal Stats. ch. 317 subd.
7 (i).) Also: “Discrimination in our criminal justice system based on race,
8 ethnicity, or national origin (hereafter “race” or “racial bias”) has a
9 deleterious effect not only on individual criminal defendants but on
10 our system of justice as a whole. ... Discrimination undermines public
11 confidence in the fairness of the state's system of justice and deprives
12 Californians of equal justice under law. (*Id.* at subd. (a).)

13 Despite these findings on the existence of express and implied
14 racial bias in the criminal justice system Judge Shore pontificated:
15 “There's certainly a legitimate argument that the legislature's
16 conclusion that there is systemic racism is inaccurate.” (Exhibit C at p.
17 9:10 [*People v. Spencer-Simmons* SCD283133].) Judge Shore further
18 denied the existence of racism—explicit or implicit—when he stated: “I
19 ask people ‘If you really believe that [that racism exists in some
20 systemic form], I challenge you to take a notebook and go from
21 courtroom to courtroom and watch the proceedings and take notes of
22 everything that you think is being done that is racist and I would like
23 to know what the results are.” (*Id.* at p. 9:14.) His implication was
24 that our “notebooks” would come back empty because there is no
25 racism in the criminal justice system—directly contravening the
26 statements and judgement of the Legislature.

27 3. In *People v. Spencer-Simmons* Judge Shore argued that Black people
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1 commit more crimes than White people. (Exhibit C.) He stated:
2 “There’s a difference between correlation and causation. For example,
3 one statistic frequently cited is ‘there’s a disproportion a number of my
4 [sic] minorities in prison compared to majority.’ The question is
5 ‘Disproportionate to what?’ And they say ‘Well, to their representation
6 in the population.’ And that’s without regard to whether there’s any
7 evidence that the proportion of person in an ethnicity committing a
8 crime must be the same as the proportion of the population. There is
9 absolutely no evidence that that has to be the case. For example, back
10 east, in the 1920s, when mafioso were killing each other, there was a
11 disproportion of number of Italians being prosecuted. Does that mean
12 they were being discriminated against? No. It’s just that there were a
13 lot of Italians committing crimes. So, a lot of these statistics are
14 useless.” (*Id.* at p. 11:12.)

- 15 4. In another Racial Justice Act hearing, Judge Shore stated “he was
16 aware of the new precedent” from *Young v. Superior Court of Solano*
17 *County*. (Exhibit D at p. 4:18 [*People v. Barshell* M272759].) He then
18 went on to do a “correlation vs. causation” argument where he
19 rhetorically claimed that there is no statistical correlation that race
20 has negative impact within the criminal justice system. (*Id.* at p. 5:3.)
- 21 5. Judge Shore argued that bias cannot exist where it is a Black police
22 officer. (Exhibit D.) Judge Shore asked, “Do you think the race of the
23 officer is relevant?” and then again, “Isn’t [race of the officer] one
24 factor to consider?” (*Id.* at pp. 17:15 & 18:25) The implication is that
25 racism cannot exist between or within a non-white race. This is a
26 racist argument. Judge Shore did not make this argument in only one
27 hearing. On November 3, 2022, during an RJA motion he stated: “did
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1 you consider the race of the officer conducting the stop?” (Exhibit E at
2 p. 42:15 [*People v. Bonds* M280282].) He again demonstrated belief
3 that black people cannot commit acts racism against other black
4 people.

5 6. In a Racial Justice Act hearing on August 2, 2022, Judge Shore denied
6 that coded racial language exists and tacitly acknowledged that he
7 would not consider it. (Exhibit E.) Defense counsel stated: “He says
8 they are proactive enforcement in City Heights Area. Proactive
9 Enforcement is simply code for we’re stopping Black people.” To which
10 Judge Shore responded: “Where does that come from? ... Now that
11 term, I’ve heard minorities use that term to encourage police to do
12 more policing. So why is there a racial interpretation of that term? ...
13 to request that the police patrol, for example, certain neighborhoods
14 more. They refer to that as proactive policing. So I don’t know what’s
15 racial about that term.” (*Id.* at p.13:17-14:2 [*People v. Bonds*
16 M280282].) Judge Shore’s argument is that minorities are encouraging
17 the racism they endure.

18 7. In *People v. Bonds*, Judge Shore admitted that he would not follow the
19 law relating to statistics. Penal Code section 745 subdivision (i)
20 specifically states “A defendant may aggregate data among groups to
21 demonstrate a violation of subdivision (a).” Further, it states: “For the
22 purpose of a motion and hearing under [Penal Code section 745], ...
23 statistical evidence, and aggregate data are admissible for the limited
24 purpose of demonstrating a violation of subdivision (a) has occurred.
25 (Pen. Code, § 745 subd. (c)(1).) Despite this, Judge Shore stated: “But
26 my job in this case is to determine whether a particular officer showed
27 that bias, not what the statistics show.” (Exhibit E at p. 20:13.) And
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1 then later: “I don’t place much weight on studies because they don’t
2 tell me if a particular officer showed racial bias on a particular
3 occasion.” (Id. at p. 30:7.) Then again: “The studies themselves have
4 very little bearing on my decision ... So I’m not really considering the
5 studies or the conclusions of experts.” (Id. at p. 36:3.) At another RJA
6 hearing (held November 3, 2022), Judge Shore stated: “I may admit it
7 [statistics] and find it has absolutely no value.” (Exhibit F at p. 5:6
8 [*People v. Bonds* M280282, Nov. 3, 2023].)

9 8. In the *Bonds* hearing on August 2, 2022, Judge Shore denied explicitly
10 racial language was racist. (Exhibit E.) In *Bonds*, Mr. Bonds asked the
11 officer who stopped him: “You stopped me because you saw two black
12 guys in a car.” And the officer responded that race was “Part of it” but
13 also that Mr. Bonds had his “hoodie up.” (Id. at p. 30:21.) Judge Shore
14 stated: “I agree with the prosecution that there is no explicit admission
15 that the stop was because of race.” (Id. at p. 35:22.)

16 9. In Mr. Bonds’s RJA hearing on November 3, 2022, Judge Shore argued
17 “reverse-racism.” He argued that Black people can be racist against
18 White people. He argued: “My understanding of the dictionary
19 definition of racism is that, it’s the unfair treatment of people
20 belonging to a different race, so that anyone can be a racist, is that
21 correct?” (Exhibit F at p. 9:27.) At the hearing, an expert in Racial
22 Profiling, Dr. Karen Glover, provided a definition of racism that it was
23 unfair treatment based on race when the unfair treatment is
24 supported by systems of power. To that Judge Shore responded: “I
25 mean, I’m just surprised, because the dictionary definition ... [is
26 different].” The dictionary definition was not admitted into evidence
27 and Judge Shore ignored evidence that was admitted for a definition
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1 that would support his racist beliefs. To further his “reverse-racism”
2 argument and belief he stated: “The statute would apply to a Black
3 judge discriminating against the White defendant.” (*Id.* at p. 103:14.)

4 In support of this motion Dr. Glover provided a written
5 statement. (Exhibit G; see also Exhibit H [Curriculum Vitae for Dr.
6 Glover].) To this issue she stated: “after sharing my racism and racial
7 profiling expertise under oath with the court, the judge spoke about
8 how a dictionary definition of racism was different than how I
9 discussed racism. He remarked on how the definition he was focusing
10 on did not emphasize that people of color were the primary recipients
11 of racial discrimination but rather that racism is when any racial
12 group discriminates against another racial group. This is a misleading
13 and deceptive engagement of the term – all markers of social life
14 economically, politically, and socially indicate that people of color as
15 groups experience racial discrimination. The same does not hold true
16 for Whites as a group based on scientific data. Judge Shore’s remarks
17 suggested the experiences of people of color and Whites are equivalent
18 when the science on racism demonstrates they are not equivalent.”
19 (*Ibid.*)

20 10. In the November 3, 2022, *Bonds* hearing Judge Shore used the
21 “n-word” in a thought experiment. (Exhibit F at p. 11:21-23.) The
22 Racial Justice Act carves out an exception for quotes, but not for
23 amorphous thought experiments. “This paragraph does not apply if the
24 person speaking is relating language used by another that is relevant
25 to the case...” (Pen. Code, § 745 subd. (a)(2).) During the hearing,
26 Judge Shore pontificated: “I’ve had gang cases where Hispanic and
27 Blacks are fighting each other, and the Hispanics refer to, if you
28

1 excuse my language, niggers, and, and the Blacks use, um
2 discriminatory language against Hispanics.” (Exhibit F at p. 11:21-23.)

3 Dr. Glover discusses the experience of hearing a Judge of the
4 State of California say the “n-word”: “After listening to my testimony,
5 Judge Shore began talking to me and the court and used the n-word
6 directly to make a point about the use of language and, I believe, the
7 protections of speech. As someone I turned to to reconcile my painful
8 experience in Shore’s courtroom put it, he said it because he *could* say
9 it.” (Exhibit G.) In her statement she went on to describe the feeling in
10 the court room: “I recall turning my body to face him directly as he
11 began talking and being completely stunned when he uttered the n-
12 word directly. It was not necessary for him to speak the term to make
13 whatever point he was attempting to make – he could have said “n-
14 word” to signal his own understanding of the deep and painful damage
15 that particular term embodies but he chose to speak it directly in a
16 public setting as an officer of the court. It was wholly inappropriate
17 and very distressing to witness. I immediately sickened at the thought
18 of the people of color in the courtroom having to witness a judge invoke
19 such a painful term when an alternative term is available. I was
20 astonished that such behavior would come from a judge in 2022.”

21 (*Ibid.*)

22 Dr. Glover, a full professor of Sociology, Criminology and Justice
23 Studies, concluded: “Judge Shore’s behavior indicates that he is
24 biased, uninformed, and uneducated on racial justice matters.” (*Ibid.*)

25 11. Judge Shore has never granted a Racial Justice Act motion
26 under Penal Code section 745 subdivision (d) in the three years since
27 the law has been enacted. Even after *Young v. Superior Court’s*
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1 advisal: “It will likely be an abuse of discretion to ‘totally foreclose’
2 discovery,” Judge Shore has continued to deny Racial Justice Act
3 motions. (*Young v. Superior Court* (2022) 79 Cal.App.5th 138, 168-
4 169.) Even with the lower *Pitchess* standard, Judge Shore has never
5 found a motion that meets the “good cause” challenge.

6 12. In the three years since the Racial Justice Act has been law,
7 Judge Shore has only found the defense met a *prima facie* showing one
8 time—in the above *Bonds* matter where the Officer expressed racial
9 bias on body worn camera. “You stopped me because you saw two black
10 guys in a car?” “Part of it” the other part being that the defendant’s
11 “hoodie was up.” In that case the ruling of the court was: “This court
12 can only conclude Defendant has proven by a preponderance of the
13 evidence that Officer Cameron exhibited bias or animus because of
14 defendant’s race if it concludes that Officer Cameron lied when he
15 testified...” (Exhibit I at p. 6.) This ruling completely ignores the
16 possibility that racial bias can occur implicitly—in direct contradiction
17 to the stated purpose of the Racial Justice Act.

18 13. Judge Shore has never granted a Racial Justice Act motion
19 under Penal Code section 745 subdivision (a).

20 14. On December 4, 2023, prior to the publication of his Severe
21 Public Censure, but after stipulating to the facts therein, Judge Shore
22 asked for a meeting with The Public Defender for San Diego County
23 and her Chief Deputies. (Exhibit M.) A meeting took place between
24 Judge Shore, Ms. Katherine Braner (Public Defender for San Diego
25 County) and Ms. Megan Marcotte (Chief Deputy of the Alternate
26 Public Defender’s Office). (*Ibid.*) During the meeting, the following
27 occurred:
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- 1 • Judge Shore attempted to minimize his dereliction of duties, his
2 theft, and his dishonesty. (*Ibid.*)
- 3 • Judge Shore admitted he put himself and his needs ahead of the
4 Public whom he serves. (*Ibid.*)
- 5 • Judge Shore implied a bias against tenants, and conversely,
6 favored landlords; Public Defender clients often face eviction,
7 housing uncertainty, and discrimination when seeking housing,
8 and public defender clients often are forced to live in
9 uninhabitable conditions where judicial intervention is their
10 only recourse. (*Ibid.*)
- 11 • Judge Shore conveyed annoyance with individuals exercising
12 their statutory rights in eviction proceedings. Individuals
13 charged with crimes exercise their statutory and constitutional
14 rights.
- 15 • Judge Shore made biased statements about people of Mexican
16 ethnicity and Mexican National Origin. (*Ibid.*)
- 17 • While on one hand he expressed great concern over the health of
18 his grandchild, he had no concern over the deaths of children in
19 the Israeli/Hamas war. (*Ibid.*) In discussing the war, his stated
20 concern was his family faced financial hardship because their
21 Palestinian labor force could not work his relative’s farm located
22 in Israel. (*Ibid.*)
- 23 • Judge Shore implied that the only value to Palestinians was in
24 their labor and compared them to Mexican Americans working
25 in San Diego—as if San Diego’s Mexican’s population also has no
26 value save for their labor. (*Ibid.*) Judge Shore compared
27 Palestinians working in Israel to “our Mexicans.” (*Ibid.*)
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I.
LAW OF DISQUALIFICATION FOR BIAS

California Code of Civil Procedure section 170.1(a)(6)(A)(i), (ii) and (iii) provides that a judge shall be disqualified if for any reason, including “(i) the judge believes his or her recusal would further the interests of justice; (ii) the judge believes there is a substantial doubt as to his or her capacity to be impartial; and (iii) a person aware of the facts might reasonably entertain a doubt that the judge would be able to be impartial.”¹

In *United Farm Workers of America v. Superior Court* (1983) Cal.App.3d 97, the court interpreted section 170.1 (a)(6)(A)(iii) as providing for disqualification when a judge’s impartiality might reasonably be questioned. The statute changed previous law, which had been construed as requiring bias in fact. The legislative purpose for the change in law is that “public perceptions of justice are not furthered when a judge who is reasonably thought to be biased in a matter hears the case.” (*United Farm Workers, supra*, 170 Cal.App.3d at p. 103.)

“The standard for disqualification provided for in subdivision (a)(6)(A)(iii) of section 170.1 is fundamentally an objective one. It represents a legislative judgment that due to the sensitivity of the question and inherent difficulties of proof as well as the importance of public confidence in the judicial system, the issue is not limited to the existence of actual bias. Rather, if a reasonable [person] would entertain doubts concerning the judge’s impartiality, disqualification is mandated.” (*United Farm Workers, supra*, 170 Cal.App.3d at p. 104.).

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¹ All further statutory citations are to the Code of Civil Procedure unless otherwise indicated.

**III.
JUDGE SHORE MUST BE DISQUALIFIED BECAUSE ANY
INDIVIDUAL WHO IS AWARE OF JUDGE SHORE'S BIASED
STATEMENTS AGAINST BLACK, INDIGENOUS, AND PEOPLE OF
COLOR, MIGHT REASONABLY ENTERTAIN A DOUBT AS TO
JUDGE SHORE'S ABILITY TO BE IMPARTIAL.**

“I know that most men, including those at ease with problems of the greatest complexity, can seldom accept even the simplest and most obvious truth if it be such as would oblige them to admit the falsity of conclusions which they have delighted in explaining to colleagues, which they have proudly taught to others, and which they have woven, thread by thread, into the fabric of their lives.” (Leo Tolstoy [date unknown].)

“A judge shall perform judicial duties without bias or prejudice. A judge shall not, in the performance of judicial duties, engage in speech, gestures, or other conduct that would reasonably be perceived as ... bias, prejudice, or harassment, including but not limited to bias, prejudice, or harassment based upon race, ... national origin, [or] ethnicity ...” (Code of Jud. Ethics, canon 3(B)(5).) The Judicial Code of Ethics defines impartiality as the absence of bias or prejudice in favor of, or against, particular parties or classes of parties, as well as the maintenance of an open mind in considering issues that may come before a judge.” (*Id.*, at terminology “Impartial”.) Furthermore, the Code of Judicial Ethics states: “An independent, impartial, and honorable judiciary is indispensable to justice in our society.” (*Id.* at canon 1.)

A “pattern of judicial hostility” is enough to find grounds for recusal. (*People v. Fatone*, (1985) 165 Cal. App. 3d 1164, 1175.) The appellate court held: “Not every example amounts to misconduct independently, nor does each necessarily involve an erroneous legal ruling. But together they tend to illustrate the demeaning, patronizing attitude displayed by the judge...” (*Id.*

1 at p. 1176.) In *Fantone*, the judge’s hostility was to an individual attorney.
2 The “pattern of judicial hostility” does not have to be limited to a person—an
3 attorney or party. Judge Shore has shown a “pattern of judicial hostility” to
4 certain races or ethnicities.

5 Here, Judge Shore has engaged in a pattern of conduct that might lead
6 an individual to reasonably entertain a doubt about his ability to be fair and
7 impartial. Each of the below listed allegations individually, may lead a
8 reasonable person to question Judge Shore’s ability to be impartial in a case
9 alleging racial bias, but as a whole, they demonstrate an active animosity
10 against Black, Indigenous, and People of Color in the community of San
11 Diego; his actions demonstrate active dishonesty, deception, and thievery.

12
13 **VERIFIED STATEMENT OF FACTS IN SUPPORT OF**
14 **DISQUALIFICATION**

15 Any reasonable person, aware of the following facts, will entertain a
16 doubt about Judge Shore’s ability to be impartial and fairly apply the law.
17 Abram Genser, attorney for Parrish Chambers, respectfully submits that
18 Judge Shore has evidenced a lack of necessary and adequate impartiality,
19 within the meaning of California Code of Civil Procedure section 170.1,
20 subdivision (a)(6)(A)(iii), in the following ways:

21 **Facts Related to Racial Bias:**

- 22
- 23 • Judge Shore used the word “n*****” in a thought experiment. (Exhibit
24 F at p. 11:21-23.) Even though, when discussing Hispanic people, he
25 deferred to the placeholder “disparaging comments,” he felt
26 comfortable using the N-Word to define Black Americans. (*Ibid.*) There
27 is no exception within the Racial Justice Act for thought experiments.
28 (See generally, Pen. Code, § 745.)

1 Upon hearing Judge Shore use the “n-word” Dr. Karen Glover,
2 an expert in the study of racial bias and a full professor of sociology,
3 criminology, and justice, stated: “I recall turning my body to face him
4 directly as he began talking and being completely stunned when he
5 uttered the n-word directly. It was not necessary for him to speak the
6 term to make whatever point he was attempting to make – he could
7 have said “n-word” to signal his own understanding of the deep and
8 painful damage that particular term embodies but he chose to speak it
9 directly in a public setting as an officer of the court. It was wholly
10 inappropriate and very distressing to witness. I immediately sickened
11 at the thought of the people of color in the courtroom having to witness
12 a judge invoke such a painful term when an alternative term is
13 available.” (Exhibit G.)

- 14 • Judge Shore made the biased argument that Black, Indigenous, and
15 People of Color commit more crimes than White people. (Exhibit C at
16 p. 11:13-27.) This is contrary to all the research conducted within the
17 community. (Exhibits J & K.) It also actively denies the role that white
18 supremacy and over-policing have played among people of color in this
19 city, state, and country. In truth, and in direct contradiction to Judge
20 Shore’s stated opinion, while Black people are 23% more likely to be
21 stopped by police, they were less likely to be found with contraband,
22 and even when contraband was found it was unlikely that Black
23 people’s contraband effected public safety. (Exhibit J (Campaign
24 Zero—Police Score Card).) Similarly, a report by The Center for
25 Policing Equity found that Black and Latinx people tended to be
26 searched at higher rates than white people but were less likely to have
27 contraband. (Exhibit K (Center for Policing Equity Report).)

- 1 • Judge Shore made the biased argument that inter-race racism and
2 cross-race racism does not exist. (Exhibits D & F.) The race of the
3 officer is important to him, as if Black and Hispanic officers cannot be
4 racially biased. (*Ibid.*) Racism is simply bias enforced by power.
5 (Exhibit L (Oluo Excerpt); see also Exhibit F at p. 12:1-7 [testimony of
6 Dr. Karen S. Glover].) A Black or Hispanic Officer can still be affected
7 by bias, both explicit and implicit and their biased decisions are
8 enforced by their role as police officers.
- 9 • Judge Shore has repeatedly denied the existence of “coded language”
10 even when the statute itself defines it and notes it as a problem.
11 (Exhibit E at p. 13:22; see also Pen. Code§ 745 subdivision (h)(4)
12 [defining “Racially Discriminatory Language”].) Judge Shore refuses to
13 believe and discounts the testimony of any expert who professes an
14 opinion contrary to the biased one he currently holds.
- 15 • Judge Shore had made the biased argument that no racial bias exists
16 in San Diego—despite the fact that the Legislature has found that bias
17 in fact infects the legal system. (Exhibit C at p. 9:10-19.) The Racial
18 Justice Act was passed to ameliorate the very problems that Judge
19 Shore professes do not exist.
- 20 • Judge Shore will not acknowledge racial bias even when it is blatant
21 and obvious. Judge Shore will go out of his way to ignore obvious racial
22 biases. (See generally, exhibits B-G, I & M.) This ignoring of racial bias
23 is the epitome of bias.
- 24 • Judge Shore has professed on numerous occasions that he will not
25 follow the law when it comes to the Racial Justice Act. Even though
26 the act specifically carves out how statistics should be used and
27 considered, Judge Shore has repeatedly stated he will not consider
28

1 them. (Exhibits D-F.)

- 2 • Judge Shore had made the biased argument that Black people are
3 racist against white people. This is generally referred to as “reverse-
4 racism.” Judge Shore has repeatedly concerned himself with the idea
5 of Black police officers being biased against White citizens, or Black
6 judges showing bias against White defendants. (Exhibit D [is race of
7 the officer relevant]; see also Exhibit F [is race of the officer relevant];
8 Exhibit F [the act protects a White defendant being discriminated
9 against by a Black judge].)
- 10 • Judge Shore discounted an expert’s definition of racism and instead
11 substituted his own definition which was not offered into evidence.
12 (Exhibit J.)
- 13 • Despite acknowledging that he has read *Young v. Superior Court*
14 (2022) 79 Cal.App.5th 138, 168-169, and the explicit statement that “It
15 will likely be an abuse of discretion to ‘totally foreclose’ discovery”
16 Judge Shore has never granted Racial Justice Act discovery. Not once
17 in three years of motions.²
- 18 • In three years, since the passing of the Racial Justice Act Judge Shore
19 has only found one criminal defendant made the *prima facie* showing
20 required by the Racial Justice Act to prompt a hearing. In that case
21 the police officer expressly told the defendant he was stopping him
22 because he was Black. After the hearing the express statement of bias
23 from the police officer, Judge Shore stated: “I agree with the
24 prosecution that there’s no explicit admission that the stop was
25 because of race.” (Exhibit F at p. 35:22-24.) Judge Shore ultimately

26
27 ² While incorrect rulings of law do not subject a judge to recusal for bias, years of incorrect rulings create and
28 illuminate a pattern of racial bias that is subject to the strictures of Code of Civil Procedure section 170.1 (See
 generally *People v. Rojas* (1963) 216 Cal.App.2d 819 [wrong legal rulings do not subject a judge to
 disqualification].)

1 found that the officer who made the statement did not act with racial
2 bias. (Exhibit I.)

- 3 • Prior to the publication of his censure, but after he had stipulated to
4 its facts, Judge Shore asked to meet with the Public Defender for San
5 Diego County and her Chief Deputies. (Exhibit M.) During that
6 meeting Judge Shore evidenced bias. Specifically:

- 7 ○ During the meeting Judge Shore minimized the facts underlying
8 his censure; he showed no remorse for his dishonesty, deception,
9 and theft. (*Ibid.*)

- 10 ○ Judge Shore expressed bias against tenants in unlawful detainer
11 actions—specifically that they had “too many rights”; Judge
12 Shore expressed annoyance at tenant-litigants exercising their
13 rights. This is a direct corollary to criminal defendants
14 exercising their rights under the United States Constitution,
15 California Constitution and the Laws of California. (*Ibid.*)

- 16 ○ Judge Shore expressed racial bias against Palestinians implying
17 their only value was in their labor; he had no compunction
18 regarding the on-going war and casualties therein. (*Ibid.*)

- 19 ○ While on one hand he expressed great concern over the health of
20 his grandchild, he had no concern over the deaths of children in
21 the Israeli/Hamas war. (*Ibid.*) His stated concern in the war was
22 that his family faced financial hardship because their
23 Palestinian labor force could not work Israeli farms. (*Ibid.*)

- 24 ○ When discussing that Palestinians were only useful for their
25 labor, he stated it was similar to “our Mexicans,” implying that
26 the San Diego Mexican population was only valuable for its
27 labor. (*Ibid.*)

1 Facts Related to Dishonesty, Deception, and Theft:

2 Judge Shore violated Ethical rules:

- 3 • By violating Code of Judicial Ethics, Canon 3, which requires a judge
4 to perform the duties of judicial office impartially, competently, and
5 diligently.
- 6 • By violating Code of Judicial Ethics, Canon 3A, which requires a
7 judge to accord precedent to all the judicial duties prescribed by law
8 over all other activities.
- 9 • By violating Code of Judicial Ethics, Canon 3B (8), which requires a
10 judge to dispose of all judicial matters fairly, promptly, and
11 efficiently, and manage the courtroom in a manner that provides all
12 litigants the opportunity to have their matters fairly adjudicated in
13 accordance with the law.
- 14 • By violating Code of Judicial Ethics, Canon 3C (1), which requires a
15 court to diligently discharge the judge's administrative
16 responsibilities impartially, on the basis of merit, without bias or
17 prejudice, free of conflict of interest, and in a manner that promotes
18 public confidence in the integrity of the judiciary.
- 19 • By violating Code of Judicial Ethics, Canon 4A, which requires a
20 judge to conduct all extrajudicial activities so that they do not
21 demean the judicial office or interfere with the proper performance of
22 judicial duties.
- 23 • By violating Code of Judicial Ethics, Canon 2A, which requires a
24 judge to respect and comply with the law and, always, act in a
25 manner that promotes public confidence in the integrity and
26 impartiality of the judiciary.
- 27 • By violating Code of Judicial Ethics, Canon 2, which requires a judge
28

1 to avoid impropriety and the appearance of impropriety in all the
2 judge's activities.

- 3 • By violating Code of Judicial Ethics, Canon 1, which requires a judge
4 to uphold the integrity and independence of the judiciary.
- 5 • By, at a minimum, persistently failing to perform judicial duties.
- 6 • By engaging in conduct prejudicial to the administration of justice,
7 which brings the judicial office into disrepute.
- 8 • By significantly curtailing the right of a defendant to litigate and
9 contest issues of fact and law by:
 - 10 ○ Absenting himself on at least 155 court days over a two-year
11 period in 2021 and 2022 without approval or authorization
12 from the presiding judge;
 - 13 ○ Absenting himself on every single Friday between May 28,
14 2021, and November 18, 2022, even though the courthouse is
15 open and courts routinely conduct hearings on Fridays;
 - 16 ○ Exceeding available vacation time by 87 days;
 - 17 ○ Absenting himself without approval or authorization from by
18 the presiding judge, and thereby preventing the presiding
19 judge from providing an additional avenue or forum for a
20 defendant to litigate contested issues of fact and law;
 - 21 ○ Preventing court staff from engaging without difficulty.
- 22 • By exhibiting a demonstrated disregard for the rights of the accused
23 by:
 - 24 ○ Absenting himself for 155 days without approval even though
25 the court knows that many defendants are in incarcerated
26 during the pendency of their cases and litigating contested
27 issues of law and fact while in custody;

- 1 ○ Absenting himself for 155 days without approval even though
- 2 the court knows that a defendant has both a statutory and
- 3 constitutional speedy trial right;
- 4 ○ Choosing not to notify the presiding judge about an absence,
- 5 which would have allowed the presiding judge to find coverage
- 6 for hearings he could have scheduled; and
- 7 ○ Creating a situation where it was difficult for court staff to
- 8 engage.
- 9 • By improperly prioritizing himself over the administration of justice.
- 10 • By denying defendants the right to litigate any contested issues of
- 11 law and fact on 155 court days.
- 12 • By lying to and attempting to deceive Presiding Judge Smyth and
- 13 Assistant Presiding Judge Maureen Hallahan when:
 - 14 ○ Judge Shore stated that he did not believe he had taken time
 - 15 off without a leave slip;
 - 16 ○ Judge Shore stated he barely took any vacation;
 - 17 ○ Judge Shore stated he did not regularly take Fridays off;
 - 18 ○ Judge Shore recanted an earlier denial, but then again acted
 - 19 deceitfully by indicating that he only took off most Fridays;
 - 20 ○ Judge Shore stated he would work on Fridays but that this
 - 21 was not verifiable because no staff was present, which is
 - 22 contrary to the evidence gathered by Judge Smyth; and
 - 23 ○ Judge Shore affirmatively stated he “definitely did not take
 - 24 every Friday off.
- 25 • By absenting himself from the courthouse without authorization and
- 26 documentation, which constituted a dereliction of duty, a persistent
- 27 failure to perform his judicial duties, and a failure to follow the
- 28

1 directives of the presiding judge in matters of court management and
2 administration.

- 3 • By failing to comply with Rules of Court, which requires a court to
4 request the approval of the presiding judge for any intended absence
5 of one-half day or more within a reasonable time before the intended
6 absence, and limits vacation time for a judge of this court's tenure to
7 30 days annually, absent documentation of extraordinary
8 circumstances and written authorization of the presiding judge.
- 9 • By violating of the California Constitution Article VI, section 18,
10 subdivision (d), acting in a manner that constitutes, at a minimum, a
11 persistent failure to perform judicial duties and conduct prejudicial
12 to the administration of justice that brings the judicial office into
13 disrepute.
- 14 • By, even after stipulating to the facts in the Censure, continuing to
15 be less than forthcoming about his behavior and deception, and
16 failing to recognize the seriousness of his conduct and deception.
- 17 • By violating California Penal Code section 487 subdivision (a)
18 (Grand Theft).

19 20 **CONCLUSION AND VERIFICATION**

21 California Code of Civil Procedure Section 170.1(a)(6)(A)(iii) provides
22 that if *for any reason* a person aware of the facts *would entertain a doubt*
23 that a judge is able to be impartial, the judge shall be disqualified. Section
24 170.1(a)(6)(B) further provides that a judge must be disqualified where the
25 judge is biased or prejudiced toward a lawyer in the proceeding. Counsel's
26 statement of facts in support of disqualification describes those acts
27 constituting prejudicial conduct under the Code of Judicial Conduct and
28

1 section 170.1(a)(6).

2 Based on the foregoing it is hereby respectfully submitted that Judge
3 Howard Shore should disqualify himself, or be disqualified, from presiding
4 over the motion hearing of Parrish Chambers. Absent voluntary
5 disqualification, proceedings before another judge on the issue of Judge
6 Shore's disqualification, are hereby requested, as provided in Code of Civil
7 Procedure section 170.3 subdivision (c)(5).

8 As required by the Code of Civil Procedure section 170.3 subdivision
9 (c)(1), the entirety of this document and its attached exhibits (A-M)
10 constitutes and shall be the required Verified Statement "setting forth the
11 facts constituting the grounds for disqualification of" Judge Shore, in the
12 event he fails or refuses to disqualify himself.

13 As to the facts set forth herein, they are true based on my own
14 knowledge, or based on reading the attached Exhibits provided with this
15 Motion & Verification, unless I have stated otherwise.

16 I declare under penalty of perjury the foregoing is true and correct.
17 Executed this 16th day of January, 2024, at San Diego, California.

18
19
20
21
22 By: _____

23 ABRAM GENSER
24 Deputy Public Defender
25 Certified Criminal Law Specialist

26 Attorney for Defendant
27 PARRISH CHAMBERS
28

PROOF OF SERVICE

CASE NAME: People v. Chambers
TRIAL COURT NO.: CD295029

I, the undersigned, say: I am a citizen of the United States and a resident of the County of San Diego, State of California. I am over the age of 18 years and not a party to the within action. My office address is 451 A Street, 9th Floor, San Diego, California 92101.

On the date of execution of the foregoing document, I personally caused to be served a true and correct copy of the **REQUEST TO DISQUALIFY JUDGE HOWARD SHORE UNDER CCP § 170.1, POINTS AND AUTHORITIES IN SUPPORT THEREOF AND VERIFIED STATEMENT** to the following:

DA Summer Stephan
C/O Flavio Nominati
Office of the District Attorney
330 W. Broadway, 8th Floor
San Diego, CA 92101

Mr. Parrish Chambers
(through counsel)

J. Howard Shore
C/O Clerk of the Court
1100 Union St., Dept. 2103
San Diego, CA 92101

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

Executed this 18th day of January, 2023, at San Diego, California.

ABRAM GENSER