



MENDOCINO COUNTY DISTRICT ATTORNEY'S OFFICE


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January 4, 2021

TO: All Mendocino County Prosecutors
FR: District Attorney David Eyster 
RE: Code of Civil Procedure §170.6 – Superior Court Judge Clayton Brennan

Effective immediately and going forward, it shall be the policy of the Office of the Mendocino County District Attorney that, where legally possible, Superior Court Judge Clayton Brennan shall no longer be allowed to preside over any case involving a criminal charge relating to animal cruelty, as proscribed by Penal Code §597 and other applicable criminal code sections.

Likewise, it shall be the policy of the Office of the Mendocino County District Attorney that said judge shall also no longer be allowed to preside over any criminal case in which a gun use allegation has been lawfully alleged by the District Attorney, pursuant to Penal Code §§12022.5 and 12022.53.

To effectuate the necessary and legally appropriate disqualifications, I am directing that all Mendocino County prosecutors shall file preemptory challenges, as authorized by California Code of Civil Procedure §170.6, as early as practical to disqualify and prevent Judge Clayton Brennan from hearing all criminal cases that fit the legal parameters outlined above. I will make myself available to personally sign such preemptory challenges, as necessary.

These directives are being issued because of the unfair and biased administration of justice that now and in the past has been a hallmark of this particular judge's courtroom. Most recently, he has betrayed community standards and community trust by making it abundantly clear that he has no use for, does not value, and is biased against law enforcement and the community's ongoing efforts to seek justice against those who victimize animals, particularly when a firearm is involved and has been personally used. Accordingly, Judge Brennan's demonstrated bias makes him legally unfit to sit as a judge in at least the types of criminal cases described herein.