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## CRIME & COURTS

# Hundreds of Riverside County criminal cases dismissed amid shortage of judges



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Palm Springs Desert Sun

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The historic Riverside County Courthouse in downtown Riverside. *Richard Lui/The Desert Sun*

Riverside County judges have dismissed more than 200 criminal cases this month — largely misdemeanors, but also more than a dozen with felony charges — ruling there weren't enough judges available to try the cases as quickly as the Constitution requires.

Court officials blame a chronic shortage of judges. But the county's top prosecutor said judges could have allowed brief delays without violating the Constitution or the law as the court works through a pandemic backlog of cases.

As of Friday, 238 criminal cases had been dismissed by the Superior Court since the expiration of several COVID-19 emergency orders earlier this

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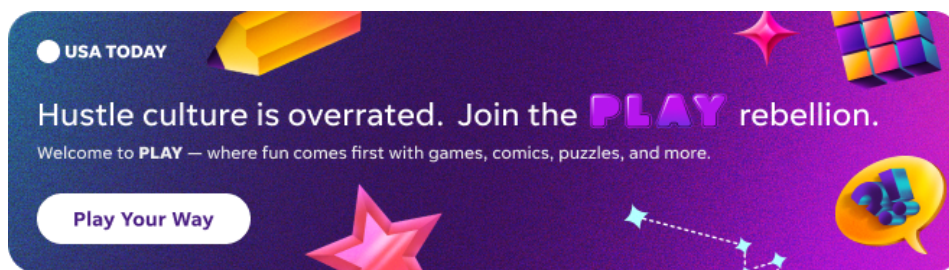
month that allowed cases to be continued due to the pandemic, court spokesperson Marita Ford said.

Most of the dismissed cases — 222 — are for misdemeanor charges, while 16 are felony cases, Ford said.

The case dismissals stem from a larger issue: [In May, The Desert Sun reported](#) the court had more than 1,900 criminal cases awaiting trial due to COVID-related stoppages and a shortage of judges. That backlog has swelled to 2,800 cases this week, according to the Riverside County District Attorney's Office.

**More:** [Riverside County courts have a backlog of 1,900 criminal cases due to COVID, judge shortage](#)

The substantial backlog means crime victims are facing extensive waits for justice to be served. It also means some suspects are being detained for long periods before their cases are heard — jeopardizing their Sixth Amendment rights to a speedy trial.



“We are still chronically under-judged,” Ford told The Desert Sun in an email this week.

The court has a [state-assessed need](#) of 115 "judicial officers," a term that covers both judges and commissioners, who are attorneys appointed by the judges to handle some matters. But it has funding for only 90 positions, of which 10 are vacant. Two judges are set to be sworn in this month, and another three vacancies were filled by the June election, with those judges presiding over cases starting in January, according to Ford.

While every California court may have experienced similar backlogs, Riverside County "is uniquely challenged in managing such a backlog due to a decades-long shortage of judges," county Presiding Judge John Monterosso said.

"The genesis of the current set of circumstances is the chronic and generational lack of judges allocated to serve the people of Riverside County, the 10th most populous county in the United States," Monterosso said in a statement Tuesday.

Monterosso noted the superior court has conducted 368 criminal jury trials and 94 civil trials since the onset of the COVID-19 pandemic in 2020.

Still, the case dismissals drew criticism this week from Riverside County District Attorney Mike Hestrin, who said in a statement Monday they “are not justified and are not justice.”

“I assure you that we are doing everything in our power, advancing every legal argument, preparing every viable appeal, offering the court every possible solution, to keep our local judges from dismissing criminal cases,” Hestrin said.

The DA's office statement said "most dismissed cases involve domestic violence charges" and at least one assault case and one robbery charge also were dismissed.

Some dismissals came after Hestrin's office has announced it's ready to begin a jury trial, the DA said, noting dismissed misdemeanor charges [cannot](#) be refiled.

“Rather than granting the prosecution a brief continuance until a trial courtroom becomes available, judges have chosen to dismiss criminal cases and release the accused perpetrators who have been charged by the DA's Office,” the statement reads.

The Superior Court “is taking every step necessary to prevent dismissals from happening,” Ford said, including having civil judges take on criminal cases when not already busy with another trial and converting another room into a space for criminal trials.

“When a trial court sends a jury for deliberations, that court will open up for another case to start immediately,” Ford added. “Two courtrooms are dedicated to conducting mandatory settlement conferences in order to facilitate settlements in anticipation of this moment.”

Ford said the court has also requested help from the state's temporary judge program, but none have been available to fill the “many” open courtrooms where a trial could have been held.

Typically, a person charged with a misdemeanor who is not in custody is entitled to a trial within 30 to 45 days of being arraigned. For felony charges, the window is within 60 days. Sometimes, attorneys and defendants waive these rights for a variety of reasons, extending the time within which a trial must occur.

These time requirements were halted during the COVID-19 pandemic, as the county court [suspended trials](#) at various points over the past two

years as the threat of COVID-19 transmission rose and fell. That left many charged with crimes in limbo as they wait for their day in court.

Monterosso said the statutory deadlines became fully enforceable again starting Oct. 10.

Hestrin said California appeals courts "have held that a backlog of trial cases caused by the pandemic is good cause to continue a trial."

But Monterosso said: "However, it is settled law that backlogs due to a chronic shortage of judges is not good cause to continue a criminal case."

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