



# NEWS RELEASE

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SUPERIOR COURT OF  
CALIFORNIA  
COUNTY OF RIVERSIDE  
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Riverside, CA 92501

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## **RIVERSIDE COUNTY:**

The recent appointment of a new judge to the Riverside Superior Court fills the last of Riverside's 90 allocated judicial positions. Once this new judge comes onboard, the court will open its 22nd criminal trial department. With the assistance of 8 civil judges who are also trying criminal cases in addition to their civil calendars, the court now has as many as 30 courtrooms available to try criminal trials, the largest number of criminal trial courtrooms the court has ever been able to operate. In total, 42 departments are dedicated to handling the criminal caseload in Riverside County, 48% of our total allocation. The Riverside Superior Court has always been challenged with being under-judged relative to the legal needs of our population. New judicial positions have not kept pace with the dramatic growth experienced in the inland empire over the last decade, and despite the addition of four new judicial positions in the Governor's current budget, Riverside is still 22 judges short of the number necessary to handle the legal needs of our community.

No court is structured such that it can take every case filed before it to trial. The court system depends upon the vast number of its cases settling prior to trial. The National Center for State Courts found that in order for a court to function effectively, 95% of the felony criminal cases and 92% of misdemeanor cases must be resolved prior to trial. This pretrial resolution primarily includes plea bargains negotiated between the District Attorney's office and the defense. The court is prohibited from engaging in plea bargaining. The ability of a court to manage its caseload is entirely dependent on the outside stakeholders i.e. the District Attorney and the defense negotiating cases in good faith. When the policies and actions of these stakeholders do not function to maintain the necessary level of case resolution pre-trial, no court will be able to manage the total number of trials before it, a condition that is further exacerbated for a court that is under-judged.

Due to the insufficient number of judicial positions allocated to Riverside County, the Riverside Superior Court has never been able to keep up with the filed caseload. The court has always been challenged with a developing backlog of criminal trials. This backlog was further exacerbated by the slowdown in court proceedings necessitated by the coronavirus pandemic. Public health mandates such as social distancing and delays caused by witnesses, attorneys and court personnel being exposed or becoming sick with COVID, dramatically reduced the rate at which the court could clear cases over the past two years. When the last Emergency Order authorizing the court to extend an individual's Constitutional Right to a speedy trial expired in October, the court faced a large backlog of cases all pending for trial. This backlog meant that it was even more essential that the District Attorney and the defense maintain the necessary level of case resolution without trial. In Riverside County, this case clearance by the stakeholders did not happen at the necessary level. As a result, the number of cases demanding trial exceeded the court's resources resulting in cases being dismissed when no courtroom was available and "good cause" as defined under the law did not exist. From March 2020 through October 2022, the court met regularly with all the impacted agencies related to the court i.e. the District Attorney, Defense, Probation, and law

enforcement. At the height of the pandemic, these meetings occurred weekly, gradually reducing to once per month. All of the stakeholders were encouraged to contact the court at any time to address issues or pose suggestions on how the court could adjust its operations to better respond to the challenges being posed by the virus. In October 2022, these stakeholder meetings ceased but the court remained in contact with the criminal division supervisors of the District Attorney's office, the public defender's office and the defense bar to address the ongoing issues associated with case dismissals. At no time did this communication cease and the court has always emphasized that we are available to the parties at any time.

The District Attorney has alleged that during one of these stakeholder meetings the court represented that it could avoid dismissing felony cases. This is not true. No court could ever make such a guarantee. During the stakeholder meetings the potential for case dismissals was discussed and understood by all the parties. While the court expressed its hope not to dismiss any felony cases, the court made clear that our ability to handle the caseload would be entirely dependent upon the actions taken by the district attorney and the defense to resolve cases.

As outlined in prior news releases, the court took extensive pro-active steps to facilitate ongoing case resolution throughout the pandemic. These steps included:

- Continuing to operate all early disposition calendar courts throughout the pandemic.
- Reopening criminal trial departments in June 2020 (far earlier than many other counties).
- Establishing procedures to allow pleas to be entered via stipulation without the need for a court appearance.
- Utilizing remote video technology to allow remote appearances (the court had already implemented the necessary technology prior to the pandemic which allowed the pivot to remote appearances almost immediately).
- Establishing Mandatory Settlement Conference departments to help facilitate pre-trial case resolutions.

The Emergency Orders that allowed extensions of criminal trial last days were dependent upon how the virus was impacting court operations i.e., rate of absences, illness etc. that effected the court's ability to operate its full contingent of courtrooms. In the ten months leading up to the expiration of the emergency orders, the court kept the stakeholders informed of how the pandemic was impacting court operations and our likelihood of being able to secure additional orders in the upcoming months. The parties were encouraged repeatedly to work toward negotiated resolutions in advance of the extensions expiring in order to reduce the number of trials that would be pending when that eventuality occurred. In anticipation of the emergency orders expiring, the court took additional steps to ensure that every courtroom possible would be available to handle the pending trials. These steps included:

- Re-designating courtrooms from other divisions as criminal trial courtrooms.
- Utilizing civil division judges to hear criminal trial matters in addition to their civil caseloads.
- Modifying the master calendar assignment process to call cases multiple times a day to ensure that a new trial is sent out immediately upon the conclusion of the preceding trial.
- Utilizing every available retired assigned judge to fill judicial vacancies and keep courtrooms open.

- Securing exemptions for two long-term assigned judges who hear criminal trials full-time.
- Assigning new judicial officers to criminal trial assignments to open new courtrooms.
- Reducing new judge training to an absolute minimum to facilitate earlier operation of new courtrooms.

Despite the extensive efforts of the court to anticipate and respond to the trial caseload, the court has not been able to assign all cases announcing ready for trial to a courtroom. Unfortunately, the court has had to dismiss almost 1800 cases, 105 felonies (6%) and 1797 misdemeanors (94%). The court continues to review and adjust its case management processes in response to this crisis, making every effort to get these dismissals stopped.

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*Electronic version available at: [www.riverside.courts.ca.gov](http://www.riverside.courts.ca.gov) under Media Center.*