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News RELEASE
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MASS CRIMINAL CASE DISMISSALS HAPPENING DUE TO COVID-19

COUNTYWIDE – On Oct. 10, 2022, Riverside County Superior Court judges began to dismiss criminal cases based on a lack of available trial courtrooms. Dismissed cases range from misdemeanor to felony cases and include many types of crime.

To date, Superior Court judges have dismissed over 200 cases countywide. This includes both misdemeanor and felony offenses. Most dismissed cases involve domestic violence charges but have also included other crime types, such as an assault case and a robbery. California Law permits prosecutors to refile dismissed felony cases one time. Dismissed misdemeanor cases cannot be refiled.

These dismissals are occurring in situations where the DA's Office has witnesses gathered and has announced that it is ready to begin a jury trial, however, the Superior Court does not have a judge or courtroom available to hear the case. 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.

"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," said DA Mike Hestrin. "These case dismissals are not justified and are not justice."

Riverside County's current criminal case backlog is a result of COVID-19 spreading across the state beginning in March 2020. The pandemic heavily affected the operations of our local Superior Courts. To protect public health, in-person court proceedings were limited, and jury trials were suspended. Over the next two years, the Chief Justice of the California Supreme Court issued a series of emergency orders permitting Riverside County criminal trial cases to be continued to a later date because of the pandemic. Those orders ended on Oct. 7 of this year. There currently is a backlog of more than 2,800 cases.

The Constitution and California State Law guarantee a criminal defendant with the right to a speedy trial. However, Penal Code section 1382 does not require a dismissal when good cause exists to continue a trial beyond the statutory deadlines. The California Appellate Courts have held that a backlog of trial cases caused by the pandemic is good cause to continue a trial.

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