

## **WEB EXCLUSIVE - Crowded Riverside Court Begins Dismissing Criminal Charges**

**By Jason W. Armstrong**

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RIVERSIDE - In a drastic move, Riverside's supervising criminal court judge Friday dismissed two misdemeanor cases, saying the court lacked enough judges to hear them.

The dismissals, rendered because the cases were nearing their speedy-trial time limits, were the first for the court.

Judge Gary Tranbarger said his decision came amid an intense struggle to find available judges to accommodate a mounting number of criminal cases. As of late Friday, 1,000 misdemeanor and felony cases were awaiting trial in the Hall of Justice in downtown Riverside, which covers the western portion of the county, Tranbarger said.

"We always come right up the edge, and today we finally went over it," Tranbarger said.

Riverside County has 49 judges and 20 commissioners. Judicial Council studies have said the county needs double that number to handle a case load that has soared because of population growth.

The dismissals came under immediate fire from District Attorney Rod Pacheco's office. Representative for the office said they planned to file a writ with the 4th District Court of Appeal to seek to overturn Tranbarger's decision.

"Our position is that his decision to dismiss these criminal cases was not consistent with the law," Chief Deputy District Attorney Michael Rushton said Friday.

Rushton said state law requires court officials to tap any available civil jurist to hear an overflow of criminal cases before dismissing matters.

He said he plans to challenge Tranbarger's decision not to send the two cases to family law or probate judges before making the dismissals.

Tranbarger said family law and probate jurists don't fall under the law requiring the enlistment of civil jurists for criminal matters.

Civil judges in Riverside County already factor criminal cases into their calendars. Over the past four years, the court has mandated twice for several-month periods that civil judges hear only criminal matters because of the criminal backlog.

Of the two dismissed cases, Rushton said one defendant was charged with vandalism and the other with illegal dumping.

Tranbarger said he alerted the state Judicial Council immediately after dismissing the cases. He said he asked the council to provide the court with more assigned judges - something he said the court asks for often.

A representative of the Judicial Council could not be reached by press time.

"It's unusual that the cases were dismissed," Tranbarger said. "But that we've come up to the brink of dismissing cases is not unusual. It's almost a weekly event."

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