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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION TWO

KELSI RAY HERRON et al.,
Petitioners,
v.
THE SUPERIOR COURT OF RIVERSIDE
COUNTY, APPELLATE DIVISION,
Respondent;
THE PEOPLE,
Real Party in Interest.

[And six other cases.*]

E049624

(Super.Ct.Nos. APP004488, APP004489,
APP004511, APP004520, APP004529,
SWM071822, INM188398, INM185602,
RIM514407 & BAM035747)

OPINION

ORIGINAL PROCEEDINGS; petition for writ of mandate. Michele D. Levine, Judge.

Petitions granted.

Gary Windom, Public Defender, and Joseph J. Martinez, Deputy Public Defender, for
Petitioners.

* *Abdur-Rahim et al. v. Superior Court (People)*, E049669; *Baz et al. v. Superior Court (People)*, E049717; *Washington et al. v. Superior Court (People)*, E049720; *Harvey et al. v. Superior Court (People)*, E049764; *Kapoor et al. v. Superior Court (People)*, E049818; *Landry et al. v. Superior Court (People)*, E049819.

No appearance for Respondent.

Rod Pacheco, District Attorney, and Alan D. Tate, Deputy District Attorney, for Real Party in Interest.

INTRODUCTION

In these matters, we have reviewed the petitions, the response filed by real party in interest, and petitioners' reply. We have determined that resolution of the matters involves the application of settled principles of law and that issuance of a peremptory writ in the first instance is therefore appropriate. (*Palma v. U.S. Industrial Fasteners, Inc.* (1984) 36 Cal.3d 171, 178.)

DISCUSSION

While we appreciate the concern of the Superior Court of Riverside County, Appellate Division, to "get it right" by awaiting the opinion of our Supreme Court in *People v. Wagner*, review granted September 30, 2009, S175794, it is axiomatic that "justice delayed is justice denied." (See, e.g., *Merco Constr. Engineers, Inc. v. Municipal Court* (1978) 21 Cal.3d 724, 735 (dis. opn. of Tobriner, J.) [noting that the principle derives from Magna Carta].)

While it may be appropriate for the appellate division to defer a decision in a case by stipulation of the parties, where the defendant objects and insists that the People's appeal be processed in the normal manner, that defendant's right to a speedy resolution of his or her case must prevail. In part, our decision is based too on the fact that these cases involve relatively insignificant charges where the public interest in prosecution does not weigh powerfully against the defendants' interests in having his or her case resolved in a timely fashion.

DISPOSITION

Accordingly, the petitions for writ of mandate in these consolidated matters are granted.

Let a peremptory writ of mandate issue, directing the Superior Court of Riverside County, Appellate Division, to vacate its orders staying appellate proceedings in these cases and to restore the matters to their original position on the appellate calendar insofar as such can be done with respect to briefing.

Nothing in this opinion should be read as affecting respondent’s discretion or directing the manner in which the cases should eventually be decided.

Petitioners are directed to prepare and have the peremptory writ of mandate issued, copies served, and the original filed with the clerk of this court, together with proof of service on all parties.

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KING
J.

We concur:

RAMIREZ
P. J.

RICHLI
J.