

Year to date, through August 21, 2025, there have been 70 misdemeanor jury trial cases. Of the 70 trials, we had 35 convictions, 17 acquittals, 15 trials with hung juries where the jury was unable to reach a verdict, and two were dismissed.

The conviction rate for misdemeanor jury trials is 68%. When calculating the conviction rate, we exclude the number of trials that did not have a verdict and only consider trials that reached a verdict. This is consistent with how these statistics were tabulated under multiple administrations. The public defender's office is trying to introduce a new non-sensical "mixed" outcome in effort to mislead the public.

A conviction is a conviction. If a case is charged with more than one count and a defendant is convicted of any of the counts charged we count that as a conviction because the defendant would have been duly convicted of a crime by a jury. The SF Superior Court similarly does not report "mixed" as a trial outcome. Their dashboards show guilty pleas (for cases that resolve without a trial), guilty verdicts, hung juries/ mistrials, and not guilty verdicts.

Most misdemeanor cases are still resolved via diversion (46% so far in 2025) or dismissal (22%), with convictions accounting for just 30% of overall resolutions this year. Almost all misdemeanor offenses are statutorily diversion eligible (all except DUIs, DV and sex cases). Diversion under Penal Code section 1001.95 is completely within the court's authority and discretion. Judicial offers of diversion in misdemeanor cases, and defense acceptance or rejection of diversion, is completely outside of the authority or control of the District Attorney's Office.

Victims and defendants are entitled to a fair, just and speedy resolution in each case. This office remains committed to doing everything in our power to help move trials through courts expeditiously, while also making fair offers to defendants that hold them accountable and deliver justice for victims and their families. We have and will continue to work hard to make sure that our lawyers are prepared and ready for trial. Not every case has to be resolved through jury trial though.

The Court and other justice system partners must take action to ensure that cases are moving through the system expeditiously. At this time

we have over 7,400 pending cases, the highest it has been in years. Of the open cases, over 3,200 are general misdemeanor cases of which approximately 68% are statutorily diversion eligible per PC 1001.95.

It is misleading to say that more misdemeanors cases are going to trial now and fewer are going to diversion. It's true that the share of convictions has increased and the share of diversions has decreased since 2021; however, if you remove DUIs from the diversion calculation (they were sent to diversion for a short period of time until the law was clarified that they are not diversion eligible) you see that diversion rates have not changed. If you look at historical trends of trial numbers you will also see that historically a high volume of misdemeanor cases go to trial in San Francisco. What is curious is why, at this moment in time, over 2,000 misdemeanor cases are pending trial despite being diversion eligible pursuant to PC 1001.95 – this is for the court and defense to explain. Obviously, if those cases were diverted, the diversion numbers would increase.

Misdemeanors encompass a wide variety of crimes that impact residents, workers, visitors and businesses across the city. We take these crimes seriously and will do everything we can to enforce the law. We only file charges in cases that we believe we can prove.

We take each case seriously and put on the best case we can based on the facts, evidence and the law to meet our burden of proof. In Mr. Yuen's case we sought a conviction for domestic violence, however the jury acquitted the defendant. We charge cases based on what we review at the time of charging. We evaluate our cases during the process through trial. Trials, particularly domestic violence cases, are difficult cases to prosecute but profoundly important and we treat them with the seriousness that they deserve. Although disappointed with that outcome, we respect the jury's verdict and understand the critical role they play in the criminal justice system. Indeed, there were allegations that the defendant's wife, the victim in this case, assaulted the defendant at the courthouse, and we urged him to file a police report so that incident could be investigated and if presented to our office with sufficient evidence to prosecute we would have.

We will always fight for justice in the courtroom and take on hard cases that the Public Defender's Office would rather we not take. Unlike the

Public Defender's Office, we do not have the luxury of declining cases. We are dutybound to charge cases and fight for justice to keep our community safe and hold offenders accountable.