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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

LEAH CAROL ALSPAUGH,

Petitioner,

v.

THE SUPERIOR COURT OF
ORANGE COUNTY,

Respondent;

THE PEOPLE,

Real Parties in Interest.

G066181

(Super. Ct. Nos. 25CF0059,
25HF0897)

O P I N I O N

Original proceedings; petition for a writ of mandate to challenge an order of the Superior Court of Orange County, Kevin Haskins, Judge. Petition granted.

Leah Carol Alspaugh, in pro. per., for Petitioner.

No appearance for Real Party in Interest.

THE COURT.*

In 2025, petitioner Leah Carol Alspaugh represented herself in superior court and she was convicted by a jury of procuring or offering a false or forged instrument for recording, and of two counts of contempt of court. Alspaugh was sentenced to two years and she filed a notice of appeal. Alspaugh also represented herself in a second jury trial in which she was convicted of petty theft with a prior conviction and she was sentenced to 16 months, to run concurrent with the two-year sentence. Alspaugh also filed a notice of appeal in the second case and they are both (case Nos. G066098, G066118) currently pending in this court.

After the notices of appeal had been filed, on October 20, 2025, Alspaugh filed a second notice of appeal in the trial court in each case. The first page of the second notice of appeal states “Petition to Release on [¶] Notice of Appeal [¶] Section 1272.1 subdivision (3).”

When the trial court failed to rule on Alspaugh’s request for release pending appeal, she filed a petition for writ of habeas corpus in this court seeking release on appeal.¹ However, rule 8.312(b) of the California Rules of Court states that an application for bail pending appeal in the reviewing court “must include a showing that the defendant sought relief in the superior court and that the court unjustifiably denied the application.”

This court denied the substantive claims in the petition for writ of habeas corpus, but treated Alspaugh’s request for release on appeal as a petition for writ of mandate seeking an order directing respondent court to

*Delaney, Acting P. J., Gooding, J., and Scott, J.

¹On the court’s own motion and for good cause, the court takes judicial notice of the record in superior court case Nos. 25CF0059 and 25HF0897. (Evid. Code, §§ 452, 459.)

rule on her request for release in the second notices of appeal filed on October 20, 2025.

After real party was invited to file informal opposition to the petition for writ of mandate and failed to do so (*Palma v. U.S. Industrial Fasteners, Inc.* (1984) 36 Cal.3d 171, 180), this court issued an alternative writ directing respondent court to appoint counsel for Alspaugh and consider the merits of her request in the second notices of appeal seeking release pending appeal pursuant to Penal Code sections 1272 and 1272.1. If respondent court intended to comply with the alternative writ, the court was directed to notify this court and the parties and file a copy of the minute order of the court's compliance with this court.

On December 9, 2025, this court received and filed copies of the minute orders entered by respondent court in each case. The orders state, "Court appoints Alternate Defender to represent Defendant. [¶] Request for relief pursuant to Penal Code section 1272 and 1272.1 is DENIED."

Most bail statutes require the court to give a brief statement of reasons why bail is granted or denied, and Penal Code section 1272.1 requesting release pending appeal is no different. The statute requires the court to set forth a statement of reasons sufficient to permit appellate review and states in pertinent part, "In making its decision on whether to grant defendants' motions for bail under subdivision (3) of Section 1272, the court shall include a brief statement of reasons in support of an order granting or denying a motion for bail on appeal. The statement need only include the basis for the order with sufficient specificity to permit meaningful review." (*Id.*, subd. (c).)

The alternative writ issued on November 26, 2025, is discharged. The petition for writ of mandate is granted. No later than five days from the

date of this opinion, respondent court is ordered to provide a brief written statement of reasons to explain why Alspaugh's requests for release pending appeal were denied.

The clerk of this court is directed to transmit a copy of this opinion to Judge Kevin Haskins.

In the interest of justice, the opinion in this matter is deemed final in this court and the clerk of this court is directed to issue the remittitur forthwith. (Cal. Rules of Court, rule 8.490(b)(2)(A).)