

FILED
Los Angeles Superior Court

SEP 24, 2010

John A. Clango, Executive Officer/Clerk

By B. King, Deputy

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES**

In re,) Case No.: 7 BV 01538
Lindsay Dee Lohan,) ORDER RE: WRIT OF HABEAS CORPUS
Petitioner,)

The Court has read and considered the Petition for Writ of Habeas Corpus filed by Lindsay Dee Lohan on September 24, 2010. Petitioner is on probation stemming from a misdemeanor conviction for driving under the influence. Petitioner appeared before the court in Beverly Hills earlier this date at which time probation was revoked and she was remanded into custody pending a formal probation violation hearing scheduled for October 22, 2010. The court declined to set bail pending the hearing. Petitioner challenges the denial of bail.

California Penal Code section 1272 establishes that, as a matter of right, a defendant is entitled to bail in misdemeanor cases, including misdemeanor cases pending appeal from a judgment. This is a misdemeanor probation case and the defendant is also entitled, as a matter of right, to bail pending the outcome of the probation revocation issue. See In re O'Driscoll, 191 Cal. App. 3rd 1356 (1987).

1 Therefore, the Petition of Habeas Corpus is granted. Bail is set for Petitioner in the
2 amount of \$300,000, with the following terms and conditions:

3 1) Petitioner is to be fitted with a SCRAM device within 24 hours of release from
4 custody;

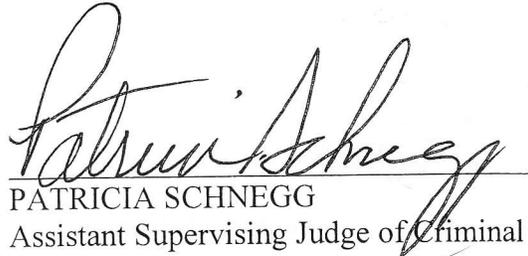
5 2) Petitioner is not to own or possess any controlled substances or associated
6 paraphernalia, except with valid prescription, and stay away from places where users or buyers
7 congregate except in an authorized treatment program;

8 3) Petitioner shall abstain from the use of all alcoholic beverages and stay out of places
9 where they are the chief item of sale; and

10 4) Petitioner is to submit her person to search and seizure at any time of the day or night
11 by any Probation Officer or other peace officer with or without a warrant, probable cause or
12 reasonable suspicion.

13
14
15
16 Dated:

9/24/2010

17
18
19
20
21
22
23
24
25
26
27
28

PATRICIA SCHNEGG
Assistant Supervising Judge of Criminal

