

CALIFORNIA COURT OF APPEAL, FIFTH APPELLATE DISTRICT

In re Bergstrom

In re Bergstrom · No. F090041 · Decided March 26, 2026

SUMMARY

The California Court of Appeal, Fifth Appellate District, considered a habeas corpus petition challenging a no-bail order in a case involving alleged sexual offenses against minors. The court held that Penal Code section 292 is not an unconstitutional legislative extension of the California Constitution's bail provisions and denied the petition. The opinion also addressed whether clear and convincing evidence supported a substantial likelihood of great bodily harm upon release.

CASE DETAILS

COURT	California Court of Appeal, Fifth Appellate District
WRITING FOR THE COURT	Peña, J.; Levy, Acting P. J.; Detjen, J.
JURISDICTION	California Court of Appeal, Fifth Appellate District
DECIDED	March 26, 2026
DOCKET	F090041
DISPOSITION	writ_denied
PROCEDURAL POSTURE	Original proceeding on a petition for writ of habeas corpus challenging a no-bail order. The Fresno County Superior Court denied habeas relief, the Court of Appeal initially denied the petition, and the California Supreme Court granted review and transferred the matter back with directions to issue an order to show cause.
STANDARD OF REVIEW	The court reviewed the determination that the facts were evident or the presumption great by assessing whether the record, viewed in the light most favorable to the prosecution, contained reasonable, credible, and solid evidence sufficient to sustain a guilty verdict. It reviewed the finding of a substantial likelihood of great bodily harm for substantial evidence, asking whether any reasonable trier of fact could find the fact by clear and convincing evidence and whether the record contained substantial evidence from which the fact finder could have found it highly probable that the fact was true.
PRECEDENTIAL VALUE	Published in part; part II of the Discussion is unpublished and nonprecedential under the California Rules of Court.

PARTIES

Robert Q. Bergstrom v. The People of the State of California

TOPICS

habeas corpus

bail

criminal procedure

statutory interpretation

appellate procedure

PRACTICE AREAS

criminal procedure

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QUESTIONS PRESENTED

1. Whether Penal Code section 292 is an invalid legislative extension of the terms 'acts of violence' and 'great bodily harm' in article I, section 12, subdivision (b) of the California Constitution.
2. Whether substantial evidence supported the finding, by clear and convincing evidence, that Bergstrom's release would create a substantial likelihood of great bodily harm to others under the constitutional bail exception.

HOLDINGS

1. Penal Code section 292 is constitutionally valid and does not constitute an invalid legislative extension by definition of the constitutional terms 'felony offenses involving acts of violence' and 'great bodily harm.' The Legislature has authority to implement the constitutional bail exceptions by identifying offenses falling within their scope.
2. Substantial evidence supported the finding that Bergstrom's release on bail would create a substantial likelihood of great bodily harm to others, and the petition for writ of habeas corpus was denied.

KEY QUOTATIONS

"Thus, section 292 does not constitute an invalid extension by legislative definition of the language in that constitutional provision." (18)

"Rather, for the reasons stated, we conclude substantial evidence supports the court's conclusion that there was a substantial likelihood petitioner's release would result in great bodily harm." (23)

FACTUAL BACKGROUND

Bergstrom was charged with multiple sexual offenses allegedly committed against four of his grandchildren, including a forcible lewd act on a child under Penal Code section 288, subdivision (b)(1). At the bail hearing, the prosecution presented testimony summarizing statements from multiple alleged victims describing repeated sexual abuse over many years, as well as recorded statements in which Bergstrom apologized and appeared not to deny the allegations. The magistrate found the prosecution's evidence reliable, concluded that nonfinancial release conditions could not protect the victims or public, and ordered Bergstrom detained without bail.

PROCEDURAL HISTORY

A criminal complaint charged Bergstrom with multiple sexual offenses involving children. The magistrate initially set statutory bail, later ordered him held without bail after a Humphrey hearing and automatic review, and the superior court denied his habeas petition. The Court of Appeal initially denied relief, but the California Supreme Court transferred the matter back for consideration of whether Penal Code section 292 impermissibly extended article I, section 12 of the California Constitution and whether the evidence supported denial of bail.

DISPOSITION

writ_denied

CASES CITED

- Forster Shipbuilding Co. v. County of Los Angeles (1960) 54 Cal.2d 450, 456-457
- Stribling's Nurseries, Inc. v. County of Merced (1965) 232 Cal.App.2d 759, 762
- People v. Giordano (2007) 42 Cal.4th 644, 655-656
- Amador Valley Joint Union High Sch. Dist. v. State Bd. of Equalization (1978) 22 Cal.3d 208, 244-245
- In re Boyle (1974) 11 Cal.3d 165, 167-169
- People v. Caudillo (1978) 21 Cal.3d 562, 575-589
- People v. Escobar (1992) 3 Cal.4th 740, 750
- People v. Soto (2011) 51 Cal.4th 229, 243, 246
- People v. Martinez (1995) 11 Cal.4th 434, 444
- People v. White (2020) 9 Cal.5th 455, 462-469
- People v. Leal (2004) 33 Cal.4th 999, 1004
- People v. Veale (2008) 160 Cal.App.4th 40, 46
- People v. Martinez (2024) 105 Cal.App.5th 178, 189
- People v. Slayton (2001) 26 Cal.4th 1076, 1084
- Younger v. Superior Court (1978) 21 Cal.3d 102, 119
- People v. Meeks (2004) 123 Cal.App.4th 695, 709