

FILED

1 Corey Eib, *Pro Se*
2 c/o 16045 Sherman Way #H-63
3 Van Nuys, California
4 telephone: 818-207-9028
5 e-mail: coreyeib@gmail.com

2016 JUL 13 PM 3:26
CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

6
7
8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
10 **WESTERN DIVISION**

11
12 People of the State of California,
13 Plaintiff,
14 v.
15 Corey Brandon Eib,
16 Defendant.

No. **CR16-0490 DSF**
Notice of Removal – Removed from
County of Los Angeles Superior Court,
Case No. 6VV02122, “People of the
State of California v. Corey Brandon
Eib”
Federal Question Jurisdiction –
Deprivation of Privileges and Immunities
Secured under Article IV, section 2,
clause 1 of the United States
Constitution.

17
18
19
20 **NOTICE OF REMOVAL OF PENDING**
21 **CRIMINAL STATE COURT ACTION**

22 **TO THE CLERK OF THE UNITED STATES DISTRICT COURT OF THE**
23 **STATE OF CALIFORNIA, CENTRAL DISTRICT, WESTERN DIVISION:**

24
25 **PLEASE TAKE NOTICE** that, pursuant to 28 U.S.C. § 1455, I, Corey
26 Brandon Eib, the defendant, hereby remove to this Court, the state court action
27 described in Paragraph 1 below and filed by the Plaintiff, People of the State of
28 California.

1 **THE REMOVED CASE**

2 1. The case to be removed is a criminal action filed on June 22, 2016, in
3 the County of Los Angeles Superior Court (“Superior Court”), styled *People of the*
4 *State of California v. Corey Brandon Eib*, Case No. 6VV02122 (“this case”), which
5 is incorporated herein, as if set forth in full.

6 **REMOVAL IS TIMELY**

7 2. Pursuant to 28 U.S.C. § 1455(b)(1), this Notice of Removal is filed
8 within thirty (30) days following my arraignment on June 22, 2016 in Superior
9 Court, and is therefore timely.

10 **VENUE IS PROPER IN THIS DISTRICT AND DIVISION**

11 3. Venue in the Central District of California, Western Division, is proper
12 because this Court corresponds to the place where this case is pending in Superior
13 Court.

14 **GROUND FOR REMOVAL**

15 4. This case is removable pursuant to 28 U.S.C. § 1455(b)(2), because I,
16 the defendant, allege causes of action arising from the deprivation of rights,
17 privileges, and immunities secured to me as a citizen of California, under Art. IV, §
18 2, cl.1 of the United States Constitution. To wit:

19 a. The California Highway Patrol (“CHP”)—operating on behalf
20 of the plaintiff—violated my 4th Amendment rights by impeding me,
21 detaining me, arresting me, and seizing and selling my property
22 without a warrant or probable cause.

23 b. The CHP—operating on behalf of the plaintiff—violated my 5th
24 Amendment right to due process by permitting individuals to assume
25 the role of CHP Officers without required Oaths of Office being filed
26 at the office of the California Secretary of State, in violation of Cal.
27 Gov’t Code §§ 1360 and 1363(a)(1). (*See also* Cal. Const. art. XX, § 3
28

1 (1879)).

2 c. The CHP—operating on behalf of the plaintiff—violated my 5th
3 Amendment right to due process by improperly citing me for an
4 expired vehicle registration when it was not.

5 d. The California Department of Motor Vehicles (“DMV”)—
6 operating on behalf of the plaintiff—violated my 5th Amendment right
7 to due process by providing invalid information related to this case to
8 the CHP.

9 e. The DMV—operating on behalf of the plaintiff—violated my
10 5th amendment right to due process by reporting DMV License
11 C5595110 as being suspended when it was not.

12 f. The CHP—operating on behalf of the plaintiff—violated my 5th
13 Amendment right to due process by ascribing incorrect information
14 onto citation CJ 56370 in violation of Cal. Penal Code § 118.1.

15 g. The CHP—operating on behalf of the plaintiff—violated my
16 5th Amendment right to due process by ascribing incorrect information
17 onto citation CJ 56370 in violation of Judicial Council of California
18 publication TR-INST, NOTICE TO APPEAR AND RELATED
19 FORMS (“TR-INST”) Rule 6.070. *See also* TR-INST Rule 6.220.

20 h. Employees and officers of the State—acting on behalf of the
21 plaintiff—violated my 13th Amendment right to freedom from
22 involuntary servitude by imposing upon me obligations associated
23 with a DMV Driver License without my consent, resulting in criminal
24 charges being filed against me.

25 i. Employees and officers of the State—operating on behalf of the
26 plaintiff—violated my 9th Amendment rights by imposing upon me, a
27 legal status imputed by the 14th Amendment, while disregarding my
28

1 averment of status as a citizen of one of the several states imputed by
2 Art. IV, § 2, cl.1 of the United States Constitution.

3 j. The City Attorney—operating on behalf of the plaintiff—
4 violated my rights under the 10th Amendment by asserting jurisdiction
5 based upon my former mailing address being located within the
6 boundaries as stated in the 1849 Constitution of the State of California.

7 k. The Superior Court—operating on behalf of the plaintiff—
8 violated my 5th Amendment right to due process by imposing upon
9 me, without my consent, the standards of the USPS Domestic Mailing
10 Manual and the Zone Improvement Plan, in violation of the Postal
11 Reorganization Act, Pub. L. 91-375, 39 U.S.C. § 101, *et seq.*

12 l. The Superior Court—operating on behalf of the plaintiff—
13 violated my 5th Amendment right to due process by deeming me
14 incompetent to advocate on my own behalf when I asserted rights,
15 exonerating statutory language, and the existence of exculpatory
16 evidence.

17 m. The Superior Court—operating on behalf of the plaintiff—
18 violated my 5th Amendment right to due process by allowing a
19 licensed attorney and employee of the State (prior to being appointed
20 as my public defender) to conspire with the City Attorney regarding
21 the disposition of my standing and rights despite my objections.

22 n. The Superior Court—operating on behalf of the plaintiff—
23 violated my 5th Amendment right to due process by appointing a
24 public defender who waived my rights to court process and
25 exculpatory evidence in this case without my consent.

26 o. The Superior Court—operating on behalf of the plaintiff—
27 violated my 6th Amendment right to counsel (of my choice) by
28

1 imposing a public defender without my consent and despite my
2 repeated objections.

3 p. The Superior Court—operating on behalf of the plaintiff—
4 violated my 5th Amendment right to due process by refusing to take
5 judicial notice of California Statutes in violation of Cal. Evid. Code §
6 451(a).

7 q. The Superior Court—operating on behalf of the plaintiff—
8 violated my 5th Amendment right to due process when the
9 commissioner misapprehended the term “United States” (*see* Cal.
10 Com. Code § 9307(h)) for the purposes of assuming jurisdiction.

11 r. The Superior Court—operating on behalf of the plaintiff—
12 violated my 5th Amendment right to due process when the
13 commissioner asked what country I was in for the purposes of
14 assuming jurisdiction.

15 s. The Superior Court—operating on behalf of the plaintiff—
16 violated my 5th Amendment right to due process when the
17 commissioner maintained that the boundaries as stated in the 1849
18 Constitution of the State of California were inside the “United States”
19 for the purposes of assuming jurisdiction.

20 t. The Superior Court—acting on behalf of the plaintiff—violated
21 my 5th Amendment right to due process by denying me the ability to
22 conduct my own case personally, in violation of 28 U.S.C. § 1654.

23 u. The Superior Court—operating on behalf of the plaintiff—
24 violated my 5th Amendment right to due process by denying me
25 access to court transcripts.

26 **PROCESS, PLEADINGS, AND ORDERS**

27 5. Pursuant to 28 U.S.C. § 1455(a), attached hereto as Exhibit A, are true
28

1 and correct copies of all process, pleadings, and orders served upon me, the
2 defendant in this case.

3 **FILING OF REMOVAL PAPERS**

4 6. Written notice of the removal of this case is being furnished to the
5 Plaintiff's counsel, and a Notice of Filing of Notice of Removal is being filed with
6 clerk of the Superior Court. A true and correct copy of that Notice is attached
7 hereto as Exhibit B.

8 **CONCLUSION**

9 The behavior of the opposing parties named herein can be characterized as
10 arrogant, condescending, and as acting under color of law—placing subjective
11 opinion and presumption over facts and actual law. With respect to this case, the
12 State, its agencies, and the Superior Court have operated in the form of a Star
13 Chamber—a culture they are notorious for. (*See Faretta v. California*, 422 U.S.
14 806, 821-22 (1975)). Disagreements between people and government are best
15 resolved through due process—not by the personal opinions and presumptions of
16 state apparatchiks (*see* Cal. Gov't Code 1027.5). For these and the foregoing
17 reasons, I am seeking the authority of this Court to resolve the issues presented
18 herein through the legitimate means of due process.

19
20 WHEREFORE, I, the defendant, Corey Brandon Eib, hereby remove the
21 above-named criminal action from the Superior Court, and request that further
22 proceedings be conducted in this Court as provided for by law.

23 Dated: July _____, 2016

Respectfully submitted,

24
25 _____
26 Corey Eib, *Pro Se*
27 c/o 16045 Sherman Way #H-63
28 Van Nuys, California
telephone: 818-207-9028
e-mail: coreyeib@gmail.com

1 CERTIFICATE OF SERVICE

2 I do hereby certify that on the _____ day of July, 2016, a copy of the
3 foregoing *Notice of Removal of Pending Criminal State Court Action* and the
4 exhibits thereto, were filed with the Clerk of Court. Notice of this filing as well as
5 a copy thereof, will be sent to plaintiff's counsel by United States Postal Service
6 Certified Mail, Return Receipt Requested, at the following address:

7 MICHAEL N. FEUER, City Attorney
8 RICHARD A. SCHMIDT, Supervising Assistant City Attorney
9 ANN J. ROSENTHAL, Deputy City Attorney (SBN 172856)
6262 Van Nuys Blvd., Room 160
10 Van Nuys, CA 91401

11 _____
12 Corey Eib, *Pro Se*
13 c/o 16045 Sherman Way #H-63
14 Van Nuys, California
15 telephone: 818-207-9028
16 e-mail: coreyeib@gmail.com
17
18
19
20
21
22
23
24
25
26
27
28

1 Corey Eib
2 c/o 16045 Sherman Way #H-63
3 Van Nuys, California
4 telephone: 818-207-9028
5 e-mail: coreyeib@gmail.com

6
7
8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
10 **WESTERN DIVISION**

11 People of the State of California,	No.
12 13 Plaintiff,	Notice of Removal – Removed from
14 v.	County of Los Angeles Superior Court,
15 Corey Brandon Eib,	Case 6VV02122 “People of the State of
16 17 Defendant.	California v. Corey Brandon Eib”
	Federal Question Jurisdiction –
	Deprivation of Privileges and
	Immunities Secured under Article IV,
	section 2, clause 1 of the United States
	Constitution.

18
19
20 **NOTICE OF FILING OF NOTICE OF REMOVAL**

21 To: MICHAEL N. FEUER, City Attorney
22 RICHARD A. SCHMIDT, Supervising City Attorney
23 ANN J. ROSENTHAL, Deputy City Attorney (SBN 172856)
24 Attorneys for the Plaintiff
25 6262 Van Nuys Blvd., Room 160
26 Van Nuys, CA 91401
27 Telephone: 818-374-3300
28 Facsimile: 818-374-3311

PLEASE TAKE NOTICE that on July ____, 2016, the attached Notice of

1 Removal of the above-captioned action from the County of Los Angeles Superior
2 Court, was filed with the Clerk of the United States District Court for the Central
3 District of California, Western Division, thereby effecting the removal of the action
4 from the County of Los Angeles, Superior Court.

5
6 Dated: July _____, 2016

Respectfully submitted,

Corey Eib, *Pro Se*
c/o 16045 Sherman Way #H-63
Van Nuys, California
telephone: 818-207-9028
e-mail: coreyeib@gmail.com

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

I. (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) PEOPLE OF THE STATE OF CALIFORNIA	DEFENDANTS (Check box if you are representing yourself <input checked="" type="checkbox"/>) COREY BRANDON EIB
(b) County of Residence of First Listed Plaintiff _____ <i>(EXCEPT IN U.S. PLAINTIFF CASES)</i>	County of Residence of First Listed Defendant _____ <i>(IN U.S. PLAINTIFF CASES ONLY)</i>
(c) Attorneys (Firm Name, Address and Telephone Number) If you are representing yourself, provide the same information. LOS ANGELES CITY ATTORNEY 6262 VAN NUYS BLVD VAN NUYS, CA 91401	Attorneys (Firm Name, Address and Telephone Number) If you are representing yourself, provide the same information. COREY EIB C/O 16045 SHERMAN WAY #H-63 VAN NUYS, CALIFORNIA

II. BASIS OF JURISDICTION (Place an X in one box only.) <input checked="" type="checkbox"/> 1. U.S. Government Plaintiff <input type="checkbox"/> 2. U.S. Government Defendant <input type="checkbox"/> 3. Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 4. Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES-For Diversity Cases Only (Place an X in one box for plaintiff and one for defendant) <table style="width:100%; border: none;"> <tr> <td style="border: none;">Citizen of This State</td> <td style="border: none; text-align: center;">PTF <input type="checkbox"/> 1</td> <td style="border: none; text-align: center;">DEF <input type="checkbox"/> 1</td> <td style="border: none;">Incorporated or Principal Place of Business in this State</td> <td style="border: none; text-align: center;">PTF <input type="checkbox"/> 4</td> <td style="border: none; text-align: center;">DEF <input type="checkbox"/> 4</td> </tr> <tr> <td style="border: none;">Citizen of Another State</td> <td style="border: none; text-align: center;">PTF <input type="checkbox"/> 2</td> <td style="border: none; text-align: center;">DEF <input type="checkbox"/> 2</td> <td style="border: none;">Incorporated and Principal Place of Business in Another State</td> <td style="border: none; text-align: center;">PTF <input type="checkbox"/> 5</td> <td style="border: none; text-align: center;">DEF <input type="checkbox"/> 5</td> </tr> <tr> <td style="border: none;">Citizen or Subject of a Foreign Country</td> <td style="border: none; text-align: center;">PTF <input type="checkbox"/> 3</td> <td style="border: none; text-align: center;">DEF <input type="checkbox"/> 3</td> <td style="border: none;">Foreign Nation</td> <td style="border: none; text-align: center;">PTF <input type="checkbox"/> 6</td> <td style="border: none; text-align: center;">DEF <input type="checkbox"/> 6</td> </tr> </table>	Citizen of This State	PTF <input type="checkbox"/> 1	DEF <input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	PTF <input type="checkbox"/> 4	DEF <input type="checkbox"/> 4	Citizen of Another State	PTF <input type="checkbox"/> 2	DEF <input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	PTF <input type="checkbox"/> 5	DEF <input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	PTF <input type="checkbox"/> 3	DEF <input type="checkbox"/> 3	Foreign Nation	PTF <input type="checkbox"/> 6	DEF <input type="checkbox"/> 6
Citizen of This State	PTF <input type="checkbox"/> 1	DEF <input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	PTF <input type="checkbox"/> 4	DEF <input type="checkbox"/> 4														
Citizen of Another State	PTF <input type="checkbox"/> 2	DEF <input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	PTF <input type="checkbox"/> 5	DEF <input type="checkbox"/> 5														
Citizen or Subject of a Foreign Country	PTF <input type="checkbox"/> 3	DEF <input type="checkbox"/> 3	Foreign Nation	PTF <input type="checkbox"/> 6	DEF <input type="checkbox"/> 6														

IV. ORIGIN (Place an X in one box only.)

<input type="checkbox"/> 1. Original Proceeding	<input checked="" type="checkbox"/> 2. Removed from State Court	<input type="checkbox"/> 3. Remanded from Appellate Court	<input type="checkbox"/> 4. Reinstated or Reopened	<input type="checkbox"/> 5. Transferred from Another District (Specify)	<input type="checkbox"/> 6. Multidistrict Litigation - Transfer	<input type="checkbox"/> 8. Multidistrict Litigation - Direct File
---	---	---	--	---	---	--

V. REQUESTED IN COMPLAINT: JURY DEMAND: Yes No (Check "Yes" only if demanded in complaint.)

CLASS ACTION under F.R.Cv.P. 23: Yes No **MONEY DEMANDED IN COMPLAINT: \$** _____

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
 28 U.S.C. SECTION 1455. Cause of action arising from violation of U.S. Const. Art. IV, Section 2, cl 1.

VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES	CONTRACT	REAL PROPERTY CONT.	IMMIGRATION	PRISONER PETITIONS	PROPERTY RIGHTS
<input type="checkbox"/> 375 False Claims Act	<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 462 Naturalization Application	Habeas Corpus:	<input type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 830 Patent
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 290 All Other Real Property	TORTS	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 140 Negotiable Instrument	PERSONAL INJURY	PERSONAL PROPERTY	<input type="checkbox"/> 530 General	SOCIAL SECURITY
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 861 HIA (1395ff)
<input type="checkbox"/> 450 Commerce/ICC Rates/Etc.	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 371 Truth in Lending	Other:	<input type="checkbox"/> 862 Black Lung (923)
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Vet.)	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 863 DIWC/DIWW (405 (g))
<input type="checkbox"/> 470 Racketeer Influenced & Corrupt Org.	<input type="checkbox"/> 153 Recovery of Overpayment of Vet. Benefits	<input type="checkbox"/> 330 Fed. Employers' Liability	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 340 Marine	BANKRUPTCY	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 865 RSI (405 (g))
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 560 Civil Detainee Conditions of Confinement	FEDERAL TAX SUITS
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 423 Withdrawal 28 USC 157	FORFEITURE/PENALTY	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 355 Motor Vehicle Product Liability	CIVIL RIGHTS	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
<input type="checkbox"/> 891 Agricultural Acts	REAL PROPERTY	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 690 Other	
<input type="checkbox"/> 893 Environmental Matters	<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 441 Voting	LABOR	
<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 710 Fair Labor Standards Act	
<input type="checkbox"/> 896 Arbitration	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 720 Labor/Mgmt. Relations	
<input type="checkbox"/> 899 Admin. Procedures Act/Review of Appeal of Agency Decision		<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 445 American with Disabilities-Employment	<input type="checkbox"/> 740 Railway Labor Act	
<input type="checkbox"/> 950 Constitutionality of State Statutes		<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 446 American with Disabilities-Other	<input type="checkbox"/> 751 Family and Medical Leave Act	
		<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 790 Other Labor Litigation	
				<input type="checkbox"/> 791 Employee Ret. Inc. Security Act	

FOR OFFICE USE ONLY: Case Number: _____

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

VIII. VENUE: Your answers to the questions below will determine the division of the Court to which this case will be initially assigned. This initial assignment is subject to change, in accordance with the Court's General Orders, upon review by the Court of your Complaint or Notice of Removal.

<p>QUESTION A: Was this case removed from state court? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If "no," skip to Question B. If "yes," check the box to the right that applies, enter the corresponding division in response to Question E, below, and continue from there.</p>	<p>STATE CASE WAS PENDING IN THE COUNTY OF:</p>	<p>INITIAL DIVISION IN CACD IS:</p>
	<input checked="" type="checkbox"/> Los Angeles, Ventura, Santa Barbara, or San Luis Obispo	Western
	<input type="checkbox"/> Orange	Southern
	<input type="checkbox"/> Riverside or San Bernardino	Eastern

<p>QUESTION B: Is the United States, or one of its agencies or employees, a PLAINTIFF in this action? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If "no," skip to Question C. If "yes," answer Question B.1, at right.</p>	<p>B.1. Do 50% or more of the defendants who reside in the district reside in Orange Co.? <i>check one of the boxes to the right</i> →</p> <p>B.2. Do 50% or more of the defendants who reside in the district reside in Riverside and/or San Bernardino Counties? (Consider the two counties together.) <i>check one of the boxes to the right</i> →</p>	<p><input type="checkbox"/> YES. Your case will initially be assigned to the Southern Division. Enter "Southern" in response to Question E, below, and continue from there.</p> <p><input type="checkbox"/> NO. Continue to Question B.2.</p> <p><input type="checkbox"/> YES. Your case will initially be assigned to the Eastern Division. Enter "Eastern" in response to Question E, below, and continue from there.</p> <p><input type="checkbox"/> NO. Your case will initially be assigned to the Western Division. Enter "Western" in response to Question E, below, and continue from there.</p>
---	---	--

<p>QUESTION C: Is the United States, or one of its agencies or employees, a DEFENDANT in this action? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If "no," skip to Question D. If "yes," answer Question C.1, at right.</p>	<p>C.1. Do 50% or more of the plaintiffs who reside in the district reside in Orange Co.? <i>check one of the boxes to the right</i> →</p> <p>C.2. Do 50% or more of the plaintiffs who reside in the district reside in Riverside and/or San Bernardino Counties? (Consider the two counties together.) <i>check one of the boxes to the right</i> →</p>	<p><input type="checkbox"/> YES. Your case will initially be assigned to the Southern Division. Enter "Southern" in response to Question E, below, and continue from there.</p> <p><input type="checkbox"/> NO. Continue to Question C.2.</p> <p><input type="checkbox"/> YES. Your case will initially be assigned to the Eastern Division. Enter "Eastern" in response to Question E, below, and continue from there.</p> <p><input type="checkbox"/> NO. Your case will initially be assigned to the Western Division. Enter "Western" in response to Question E, below, and continue from there.</p>
---	---	--

QUESTION D: Location of plaintiffs and defendants?	A. Orange County	B. Riverside or San Bernardino County	C. Los Angeles, Ventura, Santa Barbara, or San Luis Obispo County
Indicate the location(s) in which 50% or more of <i>plaintiffs who reside in this district</i> reside. (Check up to two boxes, or leave blank if none of these choices apply.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Indicate the location(s) in which 50% or more of <i>defendants who reside in this district</i> reside. (Check up to two boxes, or leave blank if none of these choices apply.)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<p>D.1. Is there at least one answer in Column A? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If "yes," your case will initially be assigned to the SOUTHERN DIVISION. Enter "Southern" in response to Question E, below, and continue from there.</p> <p>If "no," go to question D2 to the right. →</p>	<p>D.2. Is there at least one answer in Column B? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If "yes," your case will initially be assigned to the EASTERN DIVISION. Enter "Eastern" in response to Question E, below.</p> <p>If "no," your case will be assigned to the WESTERN DIVISION. Enter "Western" in response to Question E, below. ↓</p>
--	--

QUESTION E: Initial Division?	INITIAL DIVISION IN CACD
Enter the initial division determined by Question A, B, C, or D above: →	Western <input checked="" type="checkbox"/>

QUESTION F: Northern Counties?

Do 50% or more of plaintiffs or defendants in this district reside in Ventura, Santa Barbara, or San Luis Obispo counties? Yes No

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

IX(a). IDENTICAL CASES: Has this action been previously filed in this court? NO YES

If yes, list case number(s): _____

IX(b). RELATED CASES: Is this case related (as defined below) to any civil or criminal case(s) previously filed in this court? NO YES

If yes, list case number(s): _____

Civil cases are related when they (check all that apply):

- A. Arise from the same or a closely related transaction, happening, or event;
- B. Call for determination of the same or substantially related or similar questions of law and fact; or
- C. For other reasons would entail substantial duplication of labor if heard by different judges.

Note: That cases may involve the same patent, trademark, or copyright is not, in itself, sufficient to deem cases related.

A civil forfeiture case and a criminal case are related when they (check all that apply):

- A. Arise from the same or a closely related transaction, happening, or event;
- B. Call for determination of the same or substantially related or similar questions of law and fact; or
- C. Involve one or more defendants from the criminal case in common and would entail substantial duplication of labor if heard by different judges.

**X. SIGNATURE OF ATTORNEY
(OR SELF-REPRESENTED LITIGANT):** _____ **DATE:** _____

Notice to Counsel/Parties: The submission of this Civil Cover Sheet is required by Local Rule 3-1. This Form CV-71 and the information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. For more detailed instructions, see separate instruction sheet (CV-071A).

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405 (g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))

EXHIBIT A

CONSISTING OF:

- MISDEMEANOR CHARGES (5 PAGES)
- SUPERIOR COURT MINUTE ORDER DEPT. 103 (2 PAGES)
- PEOPLE'S OPPOSITION TO MOTION TO COMPEL DISCLOSURE OF REQUESTED DISCOVERY (34 PAGES)
- PEOPLE'S OPPOSITION TO DEMURRER (12 PAGES)

MISDEMEANOR
CHARGES FILED
JUNE 22, 2016

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

THE PEOPLE OF THE STATE OF CALIFORNIA,
OR 06/22/2016

Bkg no.
Plaintiff,

vs.

COREY BRANDON EIB

06/21/1969 M

V12500a

V4000a1, V16028a

Defendant(s).

MISDEMEANOR COMPLAINT

Case number: 6VV02122

FILED
SHERRI R. CARTER
Executive Officer/Clerk

By _____
Deputy Clerk

Issued by
MICHAEL N. FEUER
City Attorney

By _____
ANN ROSENTHAL (LT)
Deputy City Attorney

Comes now the undersigned and states that he is informed and believes, and upon such information and belief declares: That on or about 11/25/2015 at and in the City of Los Angeles, in the County of Los Angeles, State of California, a misdemeanor, to wit, violation of Subdivision (a) of Section 12500 of the California Vehicle Code was committed by the above-named defendant(s) (whose true name(s) to affiant is(are) unknown), who at the time and place last aforesaid, did willfully and unlawfully drive a motor vehicle on a highway without holding a valid driver's license issued under the provisions of the Vehicle Code.

MCI 12500(A)/29

COUNT II

For a further, separate and second cause of action being a different offense, belonging to the same class of crimes and offenses set forth in Count I hereof, affiant further alleges that on or about 11/25/2015 at and in the City of Los Angeles, in the County of Los Angeles, State of California, a infraction, to wit, violation of Subdivision (a)(1) of Section 4000 of the California Vehicle Code was committed by the above-named defendant(s), (whose true name(s) to affiant is(are) unknown), who at the time and place last aforesaid, did willfully and unlawfully drive, move, and leave standing a motor vehicle, trailer, semi-trailer, pole and pike (pipe) dolly, logging and auxiliary dolly upon a highway when such vehicle was not registered and the appropriate fees not paid under the provisions of the Vehicle Code.

MCI 4000(A)(1)/29

COUNT III

For a further, separate and third cause of action being a different offense, belonging to the same class of crimes and offenses set forth in Count I hereof, affiant further alleges that on or about 11/25/2015 at and in the City of Los Angeles, in the County of Los Angeles, State of California, a infraction, to wit, violation of Subdivision (a) of Section 16028 of the California Vehicle Code was committed by the above-named defendant(s) (whose true name(s) to affiant is(are) unknown), who at the time and place last aforesaid, did willfully and unlawfully, while driving a vehicle required to be registered in this state upon a highway, fail to provide written evidence of financial responsibility for the vehicle.

MCI 16028(A)/29

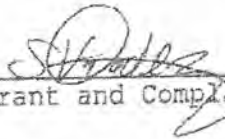
All of which is contrary to the law and against the peace and dignity of the People of the State of California. Declarant and complainant therefore prays that a warrant may be issued for the arrest of said defendant(s) and that he may be dealt with according to law.

Attached hereto and incorporated by reference as though fully set forth are written statements and reports, consisting of pages, which constitute the basis upon which I make the within allegations.

A declaration in Support of the Issuance of Such Warrant is Submitted.

Executed at Los Angeles, California, on _____.

I declare under penalty of perjury that the foregoing is true and correct.


Declarant and Complainant

INFORMAL DISCOVERY NOTICE

TO THE ABOVE-NAMED DEFENDANT(S) AND/OR ATTORNEY(S) FOR DEFENDANT(S):

Plaintiff, the People of the State of California, hereby requests discovery/disclosure from the defendant(s) and his or her attorney(s) in this case pursuant to Penal Code Sections 1054.3 and 1054.5.

YOU ARE HEREBY NOTIFIED that if complete disclosure is not made within 15 days of this request, plaintiff will seek -- on or before the next court date, or as soon as practicable thereafter -- a court order enforcing the provisions of Penal Code Section 1054.1, subdivisions (b) and (c). This is an ongoing request for any of the listed items which become known to the defendant(s) and his or her attorney(s) after the date of compliance.

The written statements and reports attached hereto constitute discoverable materials designated in Penal Code Section 1054.1. Any additional material discoverable pursuant to Penal Code Section 1054.1 that becomes known to plaintiff will be provided to the defense.

If, prior to or during trial, as a result of this request plaintiff obtains additional evidence or material subject to disclosure under a previous defense request or court order pursuant to Penal Code Section 1054.1, plaintiff will disclose the existence of that evidence or material within a reasonable time.

DISCOVERY MATERIALS SHOULD BE DELIVERED TO A DEPUTY CITY ATTORNEY IN MASTER CALENDAR COURT ON THE FIRST TRIAL DATE.

STATE OF CALIFORNIA
DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
NOTICE TO APPEAR
CHP 215 (REV. 06-15)

MISDEMEANOR
 Traffic Nontraffic

CJ 56370

Date of Violation: 11-25-15 Time: 5:30 AM PM Day of the Week: S M T W T F S CHP 215s Accident

Name (First, Middle, Last): COREY BRANDON EIB Owner's Responsibility (640001 VC)

Address: 1278 GLENNEYRIS #261

City: LAGUNA BEACH State: CA ZIP Code: 92653

Driver Lic. No.: C5595110 (EXP) State: CA Commercial Yes No Age: 69 Birth Date: 09/21/51

Sex: M Hair: BL Eyes: BR Height: 5-10 Weight: 195 Race/Ethnicity: W

Veh. Lic. No. or VIN No.: 3C8FY78G45T54 State: CA Reg Exp. COMMERCIAL VEHICLE (515210b) VC HAZARDOUS MATERIAL (5353 VC)

Evidence of Financial Responsibility or CHP/DT/PUC/ICC: NONE

Registered Owner or Lessee: AMAR LORIS Same as Driver

Address: 3637 CALLE CANON Same as Driver

City: CALABASAS State: CA ZIP Code: 91302

Correctable Violation (540610 VC) Booking Required (See Reverse) Affidemeanor or Infraction (Circle)

Yes	No	Code and Section	Description	Offense
<input type="checkbox"/>	<input checked="" type="checkbox"/>	72500(a) VC	UNLICENSED DRIVER	(N)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	4000(a) VC	EXP REG	(M)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	16028(a) VC	NO PROOF OF INSURANCE	(C)
<input type="checkbox"/>	<input type="checkbox"/>			(M)

Speed Approx: 75 P.F./Max Spd: 65 Veh. Lmt. Safe Special

Location of Violation(s) at: 405 NO MULHULLAND

Beat: 404 Area: 580 Perm. Area: Superior Court/Patrol Vehicle No.: 2175 MVARs

Violations not committed in my presence, declared on information and belief.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct.

Executed at (place): LA CITY, California
Dec. Date: 11-25-15 Arresting or Citing Officer: S. REMILLER I.D. No.: 21079 to: to

Dec. Date: Dec. Date: Name of Arresting Officer, if different from Citing Officer: I.D. No.: Vacation Dates:

WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED BELOW.
X SIGNATURE: [Signature]

WHEN: DATE: 02/25/16 TIME: 8:30 AM PM

WHAT TO DO: FOLLOW THE INSTRUCTIONS ON THE REVERSE

WHERE: 9425 PENFIELD AVE SUPERIOR COURT JUVENILE

ADDRESS: CHATEAUAUTH CA 91311 (4400 GILWIN ST MALL FL 2 VAN NUYS, CA 91401)

PHONE NO.: (213) 742-1884

To be notified You may arrange with the clerk to appear at a night session of the court.



CJ 56370

ID

DATE:06-22-16*TIME:12:27*

DMV RECORD FOR LAW ENFORCEMENT USE ONLY

DL/NO:C5595110*B/D:06-21-1969*NAME:EIB COREY BRANDON*

MAIL ADDR AS OF 05-28-09:1278 GLENNEYRE APT 261 LAGUNA BEACH 92651*

RES/ADDR:1278 GLENNEYRE APT261 LAGUNA BEACH*

OTH/ADDR AS OF 06-06-16:16045 SHERMAN WY H63 VAN NUYS *

AKA:ELB COREY BRANDON*

IDENTIFYING INFORMATION:

SEX:MALE*HAIR:BLOND*EYES:HBL*HT:5-10*WT:195*

ID CARD MLD:10-31-07*EXPIRES:06-21-10*

ID DUP OR NO FEE ISS:10-19-07*

LIC/ISS:05-28-09*EXPIRED*CLASS:C NON-COMMERCIAL*

ENDORSEMENTS:NONE*

LATEST APP:

DL TYPE:RENEWAL*ISS/DATE: 05-28-09*OFFICE: SNC*BATES:POL*

ORGAN AND TISSUE DONOR: YES UPDATED:05-28-09

LICENSE STATUS:

SUSPENDED OR REVOKED

SERVICE NEEDED, SEE HISTORY BELOW*

DEPARTMENTAL ACTIONS:

DRV LIC SUSPENDED *EFF:02-03-10*ORDER MAILED:01-04-10*AUTH:13365 *

REASON:FAIL TO APPEAR NOTICE*SERVICE:K/06-06-16*REFUSED*

VERBAL OR PERSONAL SERVICE NEEDED*

CONVICTIONS:

VIOL/DT	CONV/DT	SEC/VIOL	DKT/NO	DISP	COURT	VEH/LIC
06-14-13	01-23-14	12500A VC	*IRM451	C	30460	1301197
		405095 VC	*FAILURE TO PAY FINE			
			FINE AMOUNT DUE \$ 727			

DMV POINT COUNT 0

FAILURES TO APPEAR:

NONE

ACCIDENTS:

NONE

END

OUTPUT MSG 143, FROM 3RCYYYYY06/22/2016 12:27

**SUPERIOR COURT
MINUTE ORDER
DEPT 103**

SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

NO. 6VV02122

PAGE NO. 1

THE PEOPLE OF THE STATE OF CALIFORNIA VS.

CURRENT DATE 06/28/16

DEFENDANT 01: COREY BRANDON EIB

LAW ENFORCEMENT AGENCY EFFECTING ARREST: CHP - WEST VALLEY STATION

BAIL: APPEARANCE DATE	AMOUNT OF BAIL	DATE POSTED	RECEIPT OR BOND NO.	SURETY COMPANY	REGISTER NUMBER
-----------------------	----------------	-------------	---------------------	----------------	-----------------

CASE FILED ON 06/22/16.

COMPLAINT FILED, DECLARED OR SWORN TO CHARGING DEFENDANT WITH HAVING COMMITTED, ON OR ABOUT 11/25/15 IN THE COUNTY OF LOS ANGELES, THE FOLLOWING OFFENSE(S) OF:

COUNT 01: 12500(A) VC MISD
COUNT 02: 4000(A)(1) VC MISD
COUNT 03: 16028(A) VC MISD

NEXT SCHEDULED EVENT:

06/22/16 830 AM ARRAIGNMENT DIST VAN NUYS COURTHOUSE DEPT 103

ON 06/22/16 AT 830 AM IN VAN NUYS COURTHOUSE DEPT 103

CASE CALLED FOR ARRAIGNMENT

PARTIES: CMR. REBECCA OMENS (JUDGE) DAVID HEADCOCK (CLERK)
R. GLICKFELD (REP) ALEEN MINE AVANESIAN (CA)

STIPULATED THAT CMR. REBECCA OMENS (JUDGE) MAY HEAR THE CAUSE AS TEMPORARY JUDGE.

COURT REFERS DEFENDANT TO THE PUBLIC DEFENDER.

PUBLIC DEFENDER APPOINTED, JEANETTE LEE - P.D.

DEFENDANT IS PRESENT IN COURT, AND REPRESENTED BY JEANETTE LEE DEPUTY PUBLIC DEFENDER

DEFENDANT ADVISED OF THE FOLLOWING RIGHTS ORALLY:

THE DEFENDANT IS ADVISED OF FINANCIAL RESPONSIBILITY.

COURT ADVISES DEFENDANT THAT SELF-REPRESENTATION IS ALMOST ALWAYS AN UNWISE CHOICE, AND WILL NOT WORK TO HIS ADVANTAGE; FURTHER, THAT HE WILL NOT BE HELPED OR TREATED WITH SPECIAL LENIENCY BY THE COURT OR THE PROSECUTOR, AND THAT HE WILL BE HELD TO THE SAME STANDARDS OF CONDUCT AS AN ATTORNEY. FURTHER, IF HE WISHES TO REPRESENT HIMSELF, HE WILL NOT BE ABLE TO CLAIM LATER THAT HE MADE A MISTAKE, OR THAT HE RECEIVED INEFFECTIVE ASSISTANCE OF COUNSEL.

DEFENDANT WAIVES ARRAIGNMENT, READING OF COMPLAINT, AND STATEMENT OF CONSTITUTIONAL AND STATUTORY RIGHTS.

DEFENDANT WAIVES FURTHER ARRAIGNMENT.

DEFENDANT PLEADS NOT GUILTY TO COUNT 01, 12500(A) VC.

DEFENDANT PLEADS NOT GUILTY TO COUNT 02, 4000(A)(1) VC.

DEFENDANT PLEADS NOT GUILTY TO COUNT 03, 16028(A) VC.

COURT ORDERS AND FINDINGS:

-THE COURT ORDERS THE DEFENDANT TO APPEAR ON THE NEXT COURT DATE.

DEFENDANT REFUSED TO FILL OUT THE ADVISEMENT AND WAIVER OF RIGHT TO COUNSEL (FARETTA WAIVER).

OVER THE DEFENDANT'S OBJECTION, THE COURT ORDERS THE LOS ANGELES COUNTY PUBLIC DEFENDER'S OFFICE TO REPRESENT THE DEFENDANT.

CASE NO. 6VV02122
DEF NO. 01

PAGE NO. 2
DATE PRINTED 06/28/16

MATTER IS SET IN DEPARTMENT 105 FOR ALL PURPOSES.
LAST DAY FOR TRIAL: 08/08/16.

MINUTE ORDER PREPARED BY: K. LOPEZ.
NEXT SCHEDULED EVENT:
07/22/16 830 AM PRETRIAL HEARING DIST VAN NUYS COURTHOUSE DEPT 105
CUSTODY STATUS: RELEASED ON OWN RECOGNIZANCE.

PEOPLE'S
OPPOSITION TO
MOTION TO
COMPEL
DISCLOSURE OF
REQUESTED
DISCOVERY

1 MICHAEL N. FEUER, City Attorney
2 RICHARD A. SCHMIDT, Supervising Assistant City Attorney
3 ANN J. ROSENTHAL, Deputy City Attorney (SBN 172856)
4 6262 Van Nuys Blvd., Room 160
5 Van Nuys, California 91401
6 Telephone: (818) 374-3300
7 Facsimile: (818) 374-3311

8 Attorneys for Plaintiff
9 PEOPLE OF THE STATE OF CALIFORNIA

10
11
12 SUPERIOR COURT OF THE STATE OF CALIFORNIA
13 COUNTY OF LOS ANGELES, NORTHWEST JUDICIAL DISTRICT

14 PEOPLE OF THE STATE OF CALIFORNIA,)

15 Plaintiff,

16 vs.

17 COREY BRANDON EIB,

18 Defendant

Case No.: CJ56370-1999

PEOPLE'S OPPOSITION TO MOTION TO
COMPEL DISCLOSURE OF REQUESTED
DISCOVERY; MEMORANDUM OF
POINTS AND AUTHORITIES; EXHIBITS

Date of Defendant's Motion: 05/12/2016
Date of Next Court Date: 06/07/2016
Time: 8:30 a.m.
Dept.: 102

19 TO THE COURT, THE DEFENDANT, AND HIS ATTORNEYS OF RECORD:

20 The People hereby oppose the formal Motion to Compel Disclosure of Requested
21 Discovery filed by COREY BRANDON EIB (hereinafter referred to as "the Defendant"). The
22 items the Defendant is seeking are not required under Penal Code section 1054 *et seq.* or *Brady*
23 *v. Maryland* (1963) 373 U.S. 83. Many of the items the Defendant is requesting are not within
24 the possession or control of the People, and this Court has no authority to order outside agencies
25 to provide the requested items to the Defendant. Defendant appears to be on a fishing
26 expedition for items that have absolutely nothing to do with the issuance or any possible defense
27 of this traffic citation.

28 ///

1 This response and opposition is based on the following Memorandum of Points and
2 Authorities, Exhibits, the Court's file, and any other and further argument that may be had at the
3 hearing.

4 5 INTRODUCTION

6 The Defendant in this case is charged with violation of Vehicle Code sections 12500(a)
7 [driving without a valid license], 4000(a)(1) [driving a vehicle not validly registered], and
8 16028(a) [driving without proof of insurance]. On April 4, 2016, the People received an
9 informal discovery request from the Defendant. (Exhibit 1.) On April 18, 2016, the People
10 responded. (Exhibit 2.) On April 26, 2016 the People received Defendant's Motion, which he
11 has set for May 12, 2016, even though the next court date in this case is scheduled for June 7,
12 2016. The People hereby submit the following objections to Defendant's motion in its entirety
13 as follows.

14 15 I.

16 NONE OF THE ITEMS DEFENDANT IS SEEKING IS AMONG 17 THE ENUMERATED ITEMS SET FORTH IN THE DISCOVERY ACT 18 OR REQUIRED BY THE CONSTITUTION

19 Prior to passage in 1990 of the ballot initiative Proposition 115, entitled the "Crime
20 Victims Justice Reform Act," the right of an accused to seek discovery in the course of
21 preparing his defense to a criminal prosecution was a judicially created doctrine that evolved
22 in the absence of guiding legislation. (*See, Pitchess v. Superior Court* (1974) 11 Cal.3d 531,
23 535.) An accused's motion for discovery was addressed to the sound discretion of the trial
24 court, which had the inherent power to order discovery in the interests of justice. (*See, e.g.,*
25 *Hill v. Superior Court* (1974) 10 Cal.3d 812.) Judicially-created discovery ended, however,
26 with the passage of Proposition 115. One of the stated purposes of that initiative, which added
27 Chapter 10 to Title 6 of the Penal Code, is "to provide that *no discovery* shall occur in criminal
28 cases *except* as provided by this chapter, other express statutory provisions, or as mandated by

1 the Constitution of the United States." (Emphasis supplied.) (Penal Code section 1054(e).)

2 To achieve this purpose, Pen C § 1054.5(a) provides:

3 "No order requiring discovery shall be made in criminal cases except
4 as provided in this chapter. This chapter shall be the only means by
5 which the defendant may compel the disclosure or production of
6 information from prosecuting attorneys, law enforcement agencies
7 which investigated or prepared the case against the defendant, or any
8 other persons or agencies which the prosecuting attorney or
9 investigating agency may have employed to assist them in
10 performing their duties."

11 (Emphasis supplied.)

12 Therefore, the exclusive procedures provision of the Criminal Discovery Act means
13 that courts are precluded from exercising inherent powers to order discovery. "When the
14 Legislature has provided criminal defendants with certain specific discovery tools, the court
15 will 'decline to exercise our inherent powers to achieve a different result which would conflict
16 with its legislation' by permitting additional discovery procedures." (*People v Trippet* (1997)
17 56 Cal App 4th 1532, 1550, quoting *People v Municipal Court (Runyan)* (1978) 20 Cal 3d
18 523.)

19 This provision has produced several important limitations on discovery in criminal
20 cases. The most important of those for present purposes is that, unless authorized by other
21 statutes or required by constitutional mandate, the parties to a criminal proceeding are not
22 entitled to obtain disclosure of items not listed in the statute. As stated by the California
23 Supreme Court. "if none of those authorities requires disclosure of a particular item of
24 evidence, the courts are not at liberty to create a rule imposing such a duty." (*People v. Tillis*
25 (1998) 18 Cal 4th 284. See also, *People v. Superior Court (Barrett)* (2000) 80 CalApp.4th
26 1305, 1313 ("unless a requested item is authorized by other statutes or is constitutionally
27 required, the parties to a criminal proceeding are entitled to obtain disclosure of only those
28 items listed in sections 1054.1 and 1054.3").)

1 Penal Code section 1054.1 sets forth those items which the prosecution in a criminal
2 matter are required to disclose to the defense. They are:

3 (1) "The names and addresses of persons the prosecutor intends to call as witnesses at
4 trial";

5 (2) "Statements of all defendants";

6 (3) "All relevant real evidence seized or obtained as a part of the investigation of the
7 offenses charged";

8 (4) "The existence of a felony conviction of any material witness whose credibility is
9 likely to be critical to the outcome of the trial";

10 (5) "Any exculpatory evidence"; and

11 (6) "Relevant written or recorded statements of witnesses or reports of the statements
12 of witnesses whom the prosecutor intends to call at the trial."

13 The People acknowledge their obligation to disclose the aforementioned enumerated
14 discovery items, even without a demand by the defense. Penal Code section 1054.5 imposes a
15 burden on a defendant seeking discovery compulsion of demonstrating that the People have
16 not complied with Section 1054.1. Defendant herein has not met that burden with respect to
17 the items mandated for disclosure under Section 1054.1. Since the discovery items specified
18 in the Discovery Act, to the extent they exist, have already been disclosed to Defendant, his
19 motion should be denied in its entirety.

20
21 **II.**

22 **DEFENDANT HAS NO CONSTITUTIONAL RIGHT TO ANY**
23 **ITEMS WHICH ARE NOT EXCULPATORY**
24 **AND MAY NOT CONDUCT A FISHING EXPEDITION**

25 With regard to a Defendant's constitutional right to discovery, that area is well-settled. A
26 criminal defendant does not have a general constitutional right to discovery. (*People v. Superior*
27 *Court (Barrett)* (2000) 80 Cal.App.4th 1305, 1314, citing *Gray v. Netherland* (1996) 518 U.S.
28 152, 168.) However, prosecutors do have a constitutional mandate to disclose exculpatory

1 material evidence. (*Brady v. Maryland* (1963) 373 U.S. 83, 87.) “[E]xculpatory evidence is the
2 only substantive discovery mandated by the United States Constitution.” (Emphasis supplied.)
3 (*Barrett, supra.*) Exculpatory evidence is defined as “evidence that is material either to guilt or
4 to punishment.” *In re Sassounian*, 9 Cal.4th 535, 543. “Evidence is ‘material’ only if there is a
5 reasonable probability that, had [it] been disclosed to the defense, the result . . . would have been
6 different.” (*Kyles v. Whitley* (1995) 514 U.S. 419, 433-434.)

7 Defendant’s right to a fair trial is guaranteed, not by permitting him to conduct a
8 burdensome fishing expedition into collateral matters, but by disclosing to him any
9 exculpatory evidence, and ensuring that he has the same access to discovery that is allowed to
10 the People. Penal Code section 1054, *et seq.* affords Defendant this constitutional right.
11 (*Izazaga v. Superior Court* (1991) 54 Cal.3d 356, 373.)

12 The California Supreme Court has made it clear that when a defendant seeks discovery
13 through a discovery motion, a defendant must describe the information sought with some
14 specificity and provide a plausible justification for disclosure. (*People v. Jenkins* (2000) 22
15 Cal.4th 900, 953; and *People v. Peters* (1992) 2 Cal.4th 1148, 1171; *People v. Prince* (2007)
16 40 Cal.4th 1179, 1232; *People v. Clark* (1992) 3 Cal.4th 41, 133, 134.) Although policy may
17 favor granting liberal discovery to criminal defendants, courts may nevertheless refuse to grant
18 discovery if the burdens placed on government and on third parties substantially outweigh the
19 demonstrated need for discovery. (*Jenkins, supra*, 22 Cal.4th at 957; *People v. Kaurish* 52
20 Cal.3d 648, 686.) A defendant’s showing of need for records based upon speculation
21 constitutes the proverbial fishing expedition. (*Jenkins, supra*, at 957.)

22 In *Jenkins*, the defendant was charged, among other things, with the murder of a Los
23 Angeles Police Department detective. The defendant requested discovery of all cases that the
24 detective had investigated or in which he made an arrest in the year before his murder. The
25 defendant’s theory was that some person under investigation by the detective was responsible
26 for the detective’s murder. Defendant noted that some eyewitnesses had described the
27 assailant was White or Hispanic and the defendant was black. Defendant believed that the
28 records may show evidence of a White or Black suspect who bore a grudge against the

1 detective. The Los Angeles City Attorney's Office resisted discovery on the basis that the
2 defendant had made an inadequate showing and that the request was overly burdensome. The
3 trial court denied the discovery concluding that defendant had not given sufficient justification
4 for the discovery. The California Supreme Court affirmed and held that there was a significant
5 interest in preserving the confidentiality of an individual citizen's arrest records; that
6 defendant's showing of need for those records was based upon speculation and, thus,
7 constituted the proverbial fishing expedition; and that defendant was unable to demonstrate the
8 existence of exculpatory material. (*Id.* at 957.)

9 In *Clark*, the defendant was charged with a series of killings of young women in Los
10 Angeles. The defendant claimed that he was improperly denied discovery of certain items of
11 evidence from the murder of Jack Murray committed by his housemate, Carol Bundy. The
12 defendant requested blood samples, shell casings, jewelry, and bloodstained items. The
13 defendant's theory was that Carol Bundy had committed the murders with her lover, Jack
14 Murray, and that she subsequently killed Jack Murray to frame defendant for the other
15 murders.

16 The California Supreme Court held that the defendant failed to show plausible
17 justification for his request and that "the entire premise was based on sheer speculation. The
18 record contains no evidence whatsoever, not even of motive or opportunity to connecting
19 Murray to these murders." (*Clark, supra*, 3 Cal.4th at 133-134.) Defendant produced "no
20 evidence that Murray's murder was relevant. Defendant also failed to show that the evidence
21 sought to be discovered might produce or lead to relevant evidence sufficient to raise a
22 reasonable doubt as to defendant's guilt." (*Id.* at 134.)

23 In this case, any items which are known to the People as exculpatory have been
24 provided or will be made available to the defense. To the extent that Defendant seeks any
25 items not agreed upon by the People, Defendant must provide some fact to support any
26 contention that the items he seeks are exculpatory. Mere speculation based on some
27 amorphous belief is not sufficient to justify the discovery of the items sought.

28 ///

1 II.

2 DISCOVERY REQUESTS AND RESPONSES

3 Item # 1. [All DMV records related to CA Driver License # C5595110 on file with the CA
4 DMV.]

5 **OBJECTION.** Not required under Penal Code section 1054 or *Brady*. No justification.
6 (*Hill v. Superior Court* (1974) 10 Cal.3d 812, 817.) It is the Defendant's burden to prove that he
7 had a valid drivers license on the date the Citation was issued. There is no requirement that the
8 People prove a negative. The DMV is not a member of the prosecution team in this case,
9 particularly since their records have no relevance to the prosecution of this case. The People are
10 not in possession or have any control of records held by the DMV. The People's obligation is to
11 disclose relevant materials in the possession or control of the prosecution. (*Hill v. Superior*
12 *Court* (1974) 10 Cal.3d 812, 816; *Pitchess v. Superior Court* (1974) 11 Cal.3d 531, 535.)
13 Information possessed by an agency that has no connection to the investigation or prosecution of
14 the criminal charge against the defendant is not possessed by the prosecution team, and the
15 prosecutor does not have the duty to search for or to disclose such material. (*People v. Superior*
16 *Court (Barrett)* (2000) 80 Cal.App.4th 1305, 1315.) The People also cannot be sanctioned
17 because an outside agency, a third party, did not comply with a defense request for information.

18
19 Item # 2. [Certified copy of oath of office of CHP citing officer S. Bemiller from the
20 California Secretary of State, or compel the CA Sec of State to produce a
21 Certificate of No Record if no oath is on file.]

22 **OBJECTION.** Not required under Penal Code section 1054 or *Brady*. No justification.
23 (*Hill v. Superior Court* (1974) 10 Cal.3d 812, 817.) This information is not required for the
24 prosecution of this case. The Secretary of State is not a member of the prosecution team in this
25 case and has no relevance to the prosecution of this case. The People are not in possession or
26 have any control of records held by the Secretary of State. The People's obligation is to disclose
27 relevant materials in the possession or control of the prosecution. (*Hill v. Superior Court* (1974)
28 10 Cal.3d 812, 816; *Pitchess v. Superior Court* (1974) 11 Cal.3d 531, 535.) Information

1 possessed by an agency that has no connection to the investigation or prosecution of the criminal
2 charge against the defendant is not possessed by the prosecution team, and the prosecutor does
3 not have the duty to search for or to disclose such material. (*People v. Superior Court (Barrett)*
4 (2000) 80 Cal.App.4th 1305, 1315.) The People also cannot be sanctioned because an outside
5 agency, a third party, did not comply with a defense request for information. Furthermore, the
6 Secretary of State cannot be compelled to do anything since they are not a party to this action.
7 Finally, there is a presumption that an official duty has been regularly performed. (Evidence
8 Code section 664.) Thus, there is a presumption that an Officer regularly employed by the
9 California Highway Patrol and sent out on duty has satisfied all of the requirements under the
10 law to be a peace officer. The Defendant has offered nothing to rebut this presumption.

11
12 Item # 3. [Copy of the original CA DMV application for registration for defendant's PT
13 Cruiser VIN # 3C8Fy78G45T54J364 which the prosecution claims is expired.]

14 **OBJECTION.** Not required under Penal Code section 1054 or *Brady*. No justification.
15 (*Hill v. Superior Court* (1974) 10 Cal.3d 812, 817.) It is the Defendant's burden to prove that
16 the vehicle he was driving was validly registered on date the Citation was issued. There is no
17 requirement that the People prove a negative. The DMV is not a member of the prosecution
18 team in this case. The People are not in possession or have any control of records held by the
19 DMV. The People's obligation is to disclose relevant materials in the possession or control of
20 the prosecution. (*Hill v. Superior Court* (1974) 10 Cal.3d 812, 816; *Pitchess v. Superior Court*
21 (1974) 11 Cal.3d 531, 535.) Information possessed by an agency that has no connection to the
22 investigation or prosecution of the criminal charge against the defendant is not possessed by the
23 prosecution team, and the prosecutor does not have the duty to search for or to disclose such
24 material. (*People v. Superior Court (Barrett)* (2000) 80 Cal.App.4th 1305, 1315.) The People
25 also cannot be sanctioned because an outside agency, a third party, did not comply with a
26 defense request for information. Furthermore, the original application for registration of the
27 vehicle is not at issue in this case, the Defendant must prove that his vehicle was registered on
28 November 25, 2015.

1 Item # 4. [Make, Model, Serial Number and Manufacturer's Instruction Manual of all CHP
2 cruiser communications equipment used by Mr. Bemiller during the course of
3 identifying defendant.]

4 **OBJECTION.** Not required under Penal Code section 1054 or *Brady*. No justification.
5 (*Hill v. Superior Court* (1974) 10 Cal.3d 812, 817.) Undue burden coupled with inadequate
6 showing of relevancy. (*People v. Worthy* (1980) 109 Cal.App.3d 514, 524-25.) This
7 information has absolutely no relevance to this prosecution.

8
9 Item # 5. [Copy of Oath's of Office of all CHP officers present during Mr. Bemiller's
10 detainment of the defendant.]

11 **OBJECTION.** Not required under Penal Code section 1054 or *Brady*. No justification.
12 (*Hill v. Superior Court* (1974) 10 Cal.3d 812, 817.) Undue burden coupled with inadequate
13 showing of relevancy. (*People v. Worthy* (1980) 109 Cal.App.3d 514, 524-25.) This
14 information is not required for the prosecution of this case. There is a presumption that an
15 official duty has been regularly performed. (Evidence Code section 664.) Thus, there is a
16 presumption that an Officer regularly employed by the California Highway Patrol and sent out
17 on duty has satisfied all of the requirements under the law to be a peace officer. The Defendant
18 has offered nothing to rebut this presumption.

19
20 Item # 6. [Copy of CA State Issued Birth Record, EIB, corey Brandon, ON FILE AT THE ca
21 Dept. of Public Health, Vital Records, Sacramento CA.]

22 **OBJECTION.** Not required under Penal Code section 1054 or *Brady*. No justification.
23 (*Hill v. Superior Court* (1974) 10 Cal.3d 812, 817.) This information is not required for the
24 prosecution or defense of this case. The California Dept. of Public Health is not a member of
25 the prosecution team in this case and has no relevance to the prosecution of this case. The
26 People are not in possession or have any control of records held by the CA Dept. of Public
27 Health. The People's obligation is to disclose relevant materials in the possession or control of
28 the prosecution. (*Hill v. Superior Court* (1974) 10 Cal.3d 812, 816; *Pitchess v. Superior Court*

1 (1974) 11 Cal.3d 531, 535.) Information possessed by an agency that has no connection to the
2 investigation or prosecution of the criminal charge against the defendant is not possessed by the
3 prosecution team, and the prosecutor does not have the duty to search for or to disclose such
4 material. (*People v. Superior Court (Barrett)* (2000) 80 Cal.App.4th 1305, 1315.) The People
5 also cannot be sanctioned because an outside agency, a third party, did not comply with a
6 defense request for information. Furthermore, the CA Dept. of Public Health cannot be
7 compelled to do anything since they are not a party to this action. This information has no
8 relevance as to whether the Defendant had a valid drivers license, valid vehicle registration, or
9 valid insurance police on the date the Citation was issued.

10
11 Item # 7. [Make, Model and Serial Number of the CHP service pistol issued to each officer
12 present during defendant's detainment by Mr. Bemiller.]

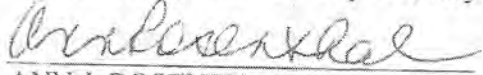
13 **OBJECTION.** Not required under Penal Code section 1054 or *Brady*. No justification.
14 (*Hill v. Superior Court* (1974) 10 Cal.3d 812, 817.) Undue burden coupled with inadequate
15 showing of relevancy. (*People v. Worthy* (1980) 109 Cal.App.3d 514, 524-25.) This
16 information is not required for and has no relevance to the prosecution or defense of this case.

17
18 **CONCLUSION**

19 Based on the foregoing, the People urge that the Court deny defendant's motion in its
20 entirety, and rule that the People have fully complied with the rules of Discovery, Penal Code
21 section 1054 and *Brady v. Maryland*.

22
23 DATE: May 5, 2016

24 Respectfully submitted,
25 MICHAEL N. FEUER, City Attorney
26 RICHARD A. SCHMIDT,
27 Supervising Assistant City Attorney

28 By 
ANN J. ROSENTHAL, Deputy City Attorney
Attorneys for Plaintiff
PEOPLE OF THE STATE OF CALIFORNIA

1
2
3 **PROOF OF SERVICE**

4 I, ANN J. ROSENTHAL, declare as follows: That I am a citizen of the United States and a
5 resident of the County of Los Angeles; that I am over the age of eighteen years and I am not a party to
6 the within action or proceeding; that my office address is: Los Angeles City Attorney's Office, 6262
7 Van Nuys Blvd., Room 160, Van Nuys, California 91401.

8 That on May 5, 2016, I served the within PEOPLE'S OPPOSITION TO MOTION TO COMPEL
9 DISCLOSURE OF REQUESTED DISCOVERY; MEMORANDUM OF POINTS AND
10 AUTHORITIES; EXHIBITS as indicated below:

11 By mailing a true copy addressed to the person(s) indicated below.

12 Corey Brandon Eib
13 16045 Sherman Way, # H-63
14 Van Nuys, CA 91406

15 By facsimile to the person(s) and fax number(s) indicated below. The facsimile
16 machine I used complied with California Rules of Court, Rule 2003, and the facsimile
17 transmission described above was reported as complete and without error. A copy of
18 the facsimile transmission report is attached to the original Proof of Service filed with
19 the Court.

20 By personal service to the person(s) indicated below.

21 I declare under the penalty of perjury under the laws of the State of California that the
22 foregoing is true and correct.

23 Executed on May 5, 2016, at Van Nuys, California.
24
25
26

27 _____
28 ANN J. ROSENTHAL
Declarant

EIB, COREY BRANDON
16045 Sherman Way #H-63
Van Nuys, California 91406

Los Angeles City Attorney Van Nuys
6262 Van Nuys Blvd
Van Nuys, CA 91401

RE: Informal Discovery CHP Citation CJ56370

Dear Prosecuting Attorney,

In compliance with penal code section 1054 – 1054.1, multiple requests for informal discovery have been made to various administrative agencies of the State. Those requests for discovery not disclosed thus far is reaffirmed herein in an effort to properly exhaust at PC 1054.5 "Before a party may seek court enforcement of any of the disclosures required by this chapter, the party shall make an informal request of opposing counsel for the desired materials and information."

The following is requested from opposing counsel as discovery:

- 2 • Certified Copy of the subscribed Oath of Office of citing officer S. Bemiller ID # 21079
- Certified Copies of the subscribed Oath's of Office of all officers present during the stop. Believed to be but not limited to: Officer Ellison ID 20345, Officer W. Clotworthy ID 21018, Officer A. Smith ID 16111, and Sgt. K. Wallace ID 13413.
 - THE ABOVE REQUESTS WERE PREVIOUSLY MADE TO THE CA SEC OF STATE AND HAVE NOT BEEN DISCLOSED

- 3 • Copy of the original application for registration (Expired) for PT Cruiser VIN # 3C8FY78G45T541364 in the name EIB, COREY BRANDON
- 4 • Copy of the application for DMV registration associated with the issuance of DMV Temporary Operating Permit #LAL 0429913 and CA Temp Sticker #G0032782
- 5 • Copy of complete DMV record of driver license # C5595110
 - THE ABOVE REQUESTS WERE PREVIOUSLY MADE TO THE CA DMV AND HAVE NOT BEEN DISCLOSED

RECEIVED
APR 04 2016
CA/VN Pre-Trial

EXHIBIT 1

- 6 • Make Model and Serial Number of all communications equipment used by citing officer during the course of identifying defendant.
- 7 • Manufacturer's instruction manual for all communications equipment used by citing officer during the course of identifying defendant.
- 8 • Make model and serial number of pistols of each officer present during the course of the above referenced citation.
- 9 • Copy of subscribed Oath's of Office of all CHP officers listed above.
 - o THE ABOVE REQUESTS WERE PREVIOUSLY MADE TO THE WEST VALLEY DIVISION OF THE CHP AND HAVE NOT BEEN DISCLOSED

- 10 • Copy of CA State Birth Record EIB, COREY BRANDON on file at the CA Department of Public Health, Vital Records, Sacramento CA.
 - o THE ABOVE REQUEST WAS PREVIOUSLY MADE TO THE CA DEPT OF PUBLIC HEALTH AND HAS NOT BEEN DISCLOSED

Discovery Enclosed:

Pursuant to CA PC 1054.3, defendant provides the following as discovery intended to be used as evidence at trial.

- Copy of Article 4 Identification Document # CBE-06211969-CSC
- Copy of CA Sec of State Notary Authentication of Cheryl Burt
- Copy of biometric page and bearer's signature of Passport #503438315
- Copy of DMV Temp Operating Pennit # LAL 0429913 and Temp Sticker # G0032782.
- Copy of DMV Letter dated February 16, 2010
- Copy of letter from Social Security dated February 27, 2015
- Copy of Petition for Redress of Grievance dated March 7, 2015
- Copy of CA Governor's Executive Order # D-78-89

Thank you for your prompt attention to this discovery request.

Sincerely,

EIB, COREY BRANDON

Identity Document # CBE'06211969-CSC



Given Name: Corey-Brandon

Family Name: Eib

Conceived: Tenth Month, in the Year of Our Lord One Thousand Nine Hundred and Sixty Eight.

Nationality: American

Domicile: California Republic (1849)

Height: 180cm Weight: 156t 10lb

Hair: Blond Eyes: Hzl

Corey-Brandon Eib

Corey-Brandon: Eib

Date

State of California

)) ss

County of Orange

On July 01, 2010, before me, *Cheryl Burt*

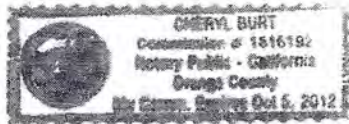
Personally appeared Corey-Brandon: Eib, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or entity upon behalf of which the person acted, executed the instrument.

I certify under penalty of perjury under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

Signature *Cheryl Burt, Notary Public*

Seal:



COPY

State of California

SECRETARY OF STATE

I, DEBRA BOWEN, Secretary of State of the State of California, hereby certify,

That Cheryl Burt was, on July 21, 2010, a duly commissioned, qualified and acting NOTARY PUBLIC, in the State of California, empowered to act as such Notary in any part of this State and authorized to take the acknowledgment or proof of powers of attorney, mortgages, deeds, grants, transfers, and other instruments of writing executed by any person, and to take depositions and affidavits and administer oaths and affirmations in all matters incident to the duties of the office or to be used before any court, judge, officer, or board.

I FURTHER CERTIFY that the seal affixed or impressed on the attached document is the official seal of said Notary Public and it appears that the name subscribed thereon is the genuine signature of the person aforesaid, his (or her) signature being of record in this office.

In Witness Whereof, I execute
this certificate and affix the
Great Seal of the State of
California this 30th
day of July 2010.



Debra Bowen
Secretary of State



LAL 0429913

MARK/CH TRLR
VESSEL
DATE NOTED
EX
308 EY
VEHICLE ENGINE OR
515 016 32215 00
RECEIPT
or vessel having the State of
Motor Vehicle must be
by either
receipt number the receipt nu
agree.
confirming the issuance

TEMP PERMIT
20 C A 15
G 0032782

REG 1966 (REV 1-2001)

Temp

*** SUSPENSE CUSTOMER COPY ***

REG. NO.	PLATE NO.	REG. DATE	REG. TYPE	REG. CLASS	REG. EXPIRE	REG. FEE	REG. TYPE
CHRY	2005	0000	AF	7015	128	11	5MXP611
REG. TYPE CODE:	CL	WT					REG. FEE
SV	G	WP					5MXP786417641364
REG. TYPE	CLASS	EXPIRE	EXPIRE	EXPIRE	EXPIRE		
AUTOMOBILE		03/30/15	19	03/30/15	0		
SUSPENSE REASONS: SPECIAL PLATE						SUSPENSE LO: RU	
						PAYMENT TYPE	
						SAFE	

EIB COREY BRANDON
16209 VICTORY BLVD 215

SALES TAX	SALES TAX
\$ NONE	CASH :
	CHEQ :
	CRDT :

VAN NUYS
CA 91406

REGISTRATION
COREY EIB
C/O 16209 VICTORY BLVD 215

PERM EXEMPT

VAN NUYS
CA 91406

F01 515 05 000000 0001 CS F01 033015 11 5MXP611 364

DEPARTMENT OF MOTOR VEHICLES
LICENSING OPERATIONS DIVISION
P. O. BOX 932345
SACRAMENTO, CA 94232 3450



February 16, 2010

Mr. Corey Fib
c/o 1278 Glenneyre #261
Laguna Beach, California

Dear Mr. Fib:

This is in response to your letter dated January 26, 2010, to Director George Valverde, regarding your request to cancel your California driver license.

As requested, your driver license number has been cancelled effective February 2, 2010, and the card has been destroyed.

If you have any questions or need further assistance, please contact a representative at the Department of Motor Vehicles, Issuance Unit at (916) 657-7740.

Sincerely,

A handwritten signature in cursive script, appearing to read "Sherri Miller".

Sherri Miller, Office Technician
Driver Licensing Branch
Licensing Operations Division



SOCIAL SECURITY

TEH2A
152010GL

February 27, 2015

Mr. Corey Eib
Apartment 5
16420 Kittridge Street
Van Nuys CA 91406

Dear Mr. Eib:

Thank you for your January 28, 2015 letter about the Social Security program. People cannot voluntarily end their participation in the program.

Unless specifically exempt by law, everyone working in the United States must pay Social Security taxes. A person must voluntarily file an application to receive Social Security benefits.

The law requires the Social Security Administration to maintain records of workers' earnings and to establish any other records necessary to carry out our responsibilities under the Social Security Act. We created the Social Security number to keep an accurate record of each individual's earnings and subsequently to monitor benefits paid under the Social Security program. Since many people have the same name, or change their name, we needed a reliable and permanent system to distinguish one individual from another in our records. Once you have a Social Security number, we cannot cancel or destroy the record.

The Supreme Court has upheld the constitutionality of the Social Security Act. We will not respond further to your correspondence about voluntary participation in the Social Security program or the withdrawal of Social Security taxes.

The Internal Revenue Service has jurisdiction over the issue of liability for Social Security taxes. Please direct any questions you may have about tax liability to the Internal Revenue Service at 1111 Constitution Avenue NW, Washington, DC 20224 or go to their website at <http://www.irs.gov/>.

The United States Citizenship and Immigration Services has jurisdiction over the issue of citizenship. Please direct any questions you may have about citizenship to the U.S. Citizenship and Immigration Services at 111 Massachusetts Avenue NW, Headquarters Building, Washington, DC 20529 or go to their website at <http://www.uscis.gov/>.

Social Security Administration

SOCIAL SECURITY ADMINISTRATION BALTIMORE, MD 21235-0001

PETITION FOR REDRESS OF GRIEVENCE

Corey Eib
c/o 16420 Kittridge Street unit #5
Van Nuys, California
Non-domestic

Social Security Administration
Attn – Carolyn W. Colvin, Acting Commissioner
6401 Security Blvd.
Baltimore, MD 21235

RE: Social Security Response Letter dated February 27, 2015 TEH2A 152010GL

Dear Commissioner Colvin,

The above referenced letter was forwarded to me and is a response from Social Security to a letter witnessed by the Social Security supervisor on duty January 28th, 2015 at the Pacoima, California office of Social Security.

My communication to you was for purposes of terminating and rescinding my signature on any and all applications or other documents which suggest I wish to be designated as Federal Personnel by participating in a Federal Retirement System. In no way was my letter meant to challenge the validity of Social Security, or the requirement to pay taxes for anyone who works or earns wages in the United States. The response from Social Security however, focused on the nonsensical and imaginary position that I may be protesting taxes, and did not address the issue of being held to involuntary servitude to the United States, denial of constitutionally protected rights, and fraud by non-disclosure of the political implications from participating in the Social Security retirement system.

As both the 3 Cents postage used to deliver this letter to you, and above address indicate, I am not and have never knowingly been in the jurisdiction of the United States. My physical location, and political obligations are within the boundaries as stated in the 1849 Constitution of the State of California. California, identified by its constitution of 1849 is presumed to exist and is presumed to have citizens of its own.

This letter is to demand a redress of grievance that Social Security is holding me to involuntary servitude to the United States while I am not in the United States, and do not have wages or income. My physical location and political jurisdiction are in one of the several states guaranteed a republican form of government, namely California which entered the Union in 1850. I demand a response from Social Security on the issues presented in my original communication and not as a tax protest, or challenge to the validity of the collection of Social Security taxes, income taxes or earning of wages by those working in the United States.

Acknowledgement of receipt and response to the above is demanded. Thank you.

Sincerely,



EXECUTIVE DEPARTMENT
STATE OF CALIFORNIA



FILED
In the office of the Secretary of State
of the State of California
DEC 2 0 1989
MARCH FRANKLIN, Secretary of State
By *Amelia King*
Deputy

EXECUTIVE ORDER D-70-89

WHEREAS, the Fifth Amendment to the United States Constitution, applicable to the State of California by the Fourteenth Amendment, and Article I, Section 19, of the California Constitution, guarantees that private property shall not be taken for public use without just compensation; and

WHEREAS, recent United States Supreme Court decisions in *Nolan v. California Coastal Commission*, 483 U.S. 825 and *First English Evangelical Lutheran Church of Glendale v. County of Los Angeles*, 482 U.S. 304, have affirmed that state governmental actions, including regulations, that do not formally invoke the condemnation power may result in a taking of private property, even temporarily, for which just compensation is required; and

WHEREAS, responsible fiscal management and fundamental principles of good government require that government decision makers evaluate carefully the effect of their regulatory actions on constitutionally protected private property rights; and

WHEREAS, the executive branch of the State of California is comprised of numerous agencies, departments, boards and commissions whose decisions may potentially affect private property interests; and

WHEREAS, state government should be a leader in demonstrating sensitive consideration of protected private property rights and in avoiding unintended and undue financial burdens on the state budget, while state agencies fulfill their statutory duties;

NOW, THEREFORE, I, George Deukmejian, Governor of the State of California, by virtue of the power and authority vested in me by the Constitution and statutes of the State of California, do hereby issue this order to become effective immediately:

1. All agencies, departments, boards, and commissions shall:
 - a. Consistent with fulfilling their statutory duties, evaluate their proposed regulatory actions in light of guidance provided in the aforementioned Supreme Court decisions and other relevant judicial authority in order to ensure the appropriate protection of private property rights consistent with the provisions of the United States and California Constitutions.
 - b. Assure that their actions are properly supported by the administrative record, by statutory and other legal authority, and fully comply with the guidance set forth by the United States Supreme Court, including consideration of the following principles:
 - (i) Governmental actions resulting in a physical invasion, or physical damage to private property may constitute a taking.

(ii) Governmental actions which interfere with the use and enjoyment of, or access to and from private property may constitute a taking.

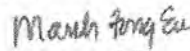
(iii) For governmental actions which amount to a taking the actions result in a "temporary" taking.

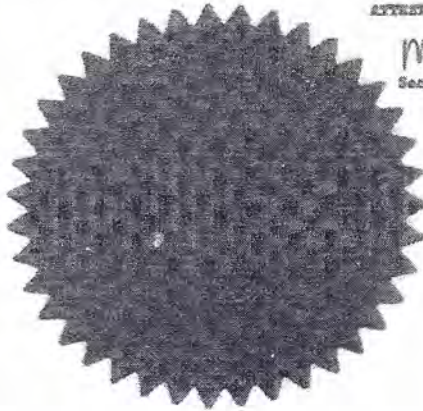
2. The legal staff of the Department of General Services may be requested to provide guidance and technical assistance to any departments seeking to evaluate the potential private property impacts of agency proposals.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 27th day of December 1989.


Governor of California

ATTEST:


Secretary of State



Government's Law and Order

SECRETARY OF STATE DEBRA BOWEN
The Original of This Document is in
CALIFORNIA STATE ARCHIVES
1000 O STREET
SACRAMENTO, CA 95834

Corey Fib
c/o 16045 Sherman Way #H-63
Van Nuys, California
Non-Domestic

Doc. No. CBE-04122016-WTF
April 12, 2016

Los Angeles City Attorney, Van Nuys
6262 Van Nuys Blvd
Van Nuys, CA 91401

RE: CA CHP Citation #CJ56370
EIB, COREY BRANDON

Dear Prosecuting Attorney,

I am charged via the above referenced CHP citation for a number of CA VC violations. This letter is intended to gather additional necessary information so I can properly understand the charges against me. I have made a brief foundational statement, then followed those statements with a question.

Statement: Discovery disclosed to your office included my identification and a copy of a passport bio metric page, and the "Bearer's Signature" page. My identification unambiguously indicates I am one of the people of California, a citizen of one of one of the several states as the term citizen is used in Article 4 of the Federal Constitution with a domicile within the borders of California¹.

Question: *By what method of valid identification is the state able to meet the FIRST/MIDDLE/LAST required for the name sequence on the citation per CA Judicial Council TR-Inst?*²

Statement: The State of California, operating from a Constitution adopted in 1879, exists by authority of the 14th amendment and is limited in jurisdiction to the United States.

Question: *What evidence exists that my presence in the United States³ is authorized under Federal Law?*

¹ As Stated in the 1849 Constitution of California, and referenced by the 1879 Constitution Article 3 Section 2.

² CA Judicial Council TR-INST NOTICE TO APPEAR AND RELATED FORMS |
<http://www.courts.ca.gov/documents/trinst.pdf>

³ As the term is used at CA Commercial Code 9307h

RECEIVED
APR 12 2016
CANN Pre-Trial

Statement: California, which entered the Union in 1850 from a Constitution established in 1849 is presumed to exist and presumed to have citizens of its own.⁴

Question (four part):

- *Does the Los Angeles City Attorney's Office presume California exists as one of the several states? (as the term is used in Article 4 of the Federal Constitution)*
- *Does the Los Angeles City Attorney's Office presume that California has citizens of its own? (As the term citizen is used in Article 4 of the Federal Constitution)*
- *Does the Los Angeles City Attorney's Office presume that there are two completely separate governments within the boundaries as stated in the 1849 Constitution of California, a government of the state (as the term is used in Article 4 of the Federal Constitution) and a government of the United States?*
- *Does the Los Angeles City Attorney's Office have any evidence indicating my citizenship is anything other than that of being a citizen⁵ one of the several states?*

Your assistance and quick response to the above questions is greatly appreciated.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to be "C. J. ...". The signature is written in a cursive style with a large initial letter.

⁴ Texas v White 74 U.S. 700

⁵ As the term citizen is used in Article 4 Section 2 Clause 1 of the Federal Constitution



OFFICE OF THE CITY ATTORNEY
MICHAEL N. FEUER
CITY ATTORNEY

6262 Van Nuys Blvd., Suite 160
Van Nuys, CA 91401
Telephone 818 374-3300

April 18, 2016

Corey Brandon Eib
16045 Sherman Way, # H-63
Van Nuys, CA 91406

RE: *People v. Corey Brandon Eib*
Citation # CJ56370

Dear Mr. Eib:

Contained herein is the People's response to the discovery request you submitted in the above-entitled case.

Please note that it is the People's position that our discovery obligations are limited to those specified in Penal Code § 1054.1, and subdivision (e) of that section is viewed as incorporating our constitutional discovery obligations. (Pen. Code § 1054, subd. (e); *In re Littlefield* (1993) 5 Cal.4th 122, 129.)

"[A]ll court-ordered discovery is governed exclusively by--and is barred except as provided by--the discovery chapter newly enacted by Proposition 115. . ." *In re Littlefield, supra*, 5 Cal.4th at 129.

The People object to the request to the extent that it asks that we "produce" all discovery sought. The People's duty is only to make items available. (*People v. Garner* (1961) 57 Cal.2d 142-143.)

EXHIBIT 2

1. [Certified Copy of the subscribed Oath of Office of citing officer S. Bemiller ID # 21079.]

Objection. Not required under Penal Code section 1054 or *Brady*. No justification. (*Hill v. Superior Court* (1974) 10 Cal.3d 812, 817.) Undue burden coupled with inadequate showing of relevancy. (*People v. Worthy* (1980) 109 Cal.App.3d 514, 524-25.) The People's obligation is to disclose relevant materials in the possession or control of the prosecution. (*Hill v. Superior Court* (1974) 10 Cal.3d 812, 816; *Pitchess v. Superior Court* (1974) 11 Cal.3d 531, 535.). The People are not in possession or control of this item.

2. [Certified Copies of the subscribed Oath's [sic] of Office of all officers present during the stop, Believed to be but not limited to: Officer Ellison ID 20345, Officer W. Clotworthy ID 21018, Officer A. Smith ID 16111, and Sgt. K. Wallace ID 13413.]

Objection. Not required under Penal Code section 1054 or *Brady*. No justification. (*Hill v. Superior Court* (1974) 10 Cal.3d 812, 817.) Undue burden coupled with inadequate showing of relevancy. (*People v. Worthy* (1980) 109 Cal.App.3d 514, 524-25.) The People's obligation is to disclose relevant materials in the possession or control of the prosecution. (*Hill v. Superior Court* (1974) 10 Cal.3d 812, 816; *Pitchess v. Superior Court* (1974) 11 Cal.3d 531, 535.). The People are not in possession or control of this item.

3. [Copy of the original application for registration (Expired) for PT Cruiser VIN # 3C8FY78G45T541364 in the name EIB, COREY BRANDON.]

Objection. Not required under Penal Code section 1054 or *Brady*. No justification. (*Hill v. Superior Court* (1974) 10 Cal.3d 812, 817.) Undue burden coupled with inadequate showing of relevancy. (*People v. Worthy* (1980) 109 Cal.App.3d 514, 524-25.) The People's obligation is to disclose relevant materials in the possession or control of the prosecution. (*Hill v. Superior Court* (1974) 10 Cal.3d 812, 816; *Pitchess v. Superior Court* (1974) 11 Cal.3d 531, 535.). The People are not in possession or control of this item. The prosecution has no general duty to seek out and obtain information to which the defense has equal access via SDT. (*People v. Superior Court (Barrett)* (2000) 80 Cal.App.4th 1305, 1318-19.)

4. [Copy of the application for DMV registration associated with the issuance of DMV Temporary Operating Permit # LAL 0429913 and CA Temp Sticker # G0032782.]

Objection. Not required under Penal Code section 1054 or *Brady*. No justification. (*Hill v. Superior Court* (1974) 10 Cal.3d 812, 817.) Undue burden coupled with inadequate showing of relevancy. (*People v. Worthy* (1980) 109 Cal.App.3d 514, 524-25.) The People's obligation is to disclose relevant materials in the possession or control of the

prosecution. (*Hill v. Superior Court* (1974) 10 Cal.3d 812, 816; *Pitchess v. Superior Court* (1974) 11 Cal.3d 531, 535.). The People are not in possession or control of this item. The prosecution has no general duty to seek out and obtain information to which the defense has equal access via SDT. (*People v. Superior Court (Barrett)* (2000) 80 Cal.App.4th 1305, 1318-19.)

5. [Copy of the complete DMV record of driver license # C5595110.]

A copy of Defendant's current DMV record can be made available to the defense prior to trial. **Objection.** The People's obligation is to disclose relevant materials in the possession or control of the prosecution. (*Hill v. Superior Court* (1974) 10 Cal.3d 812, 816; *Pitchess v. Superior Court* (1974) 11 Cal.3d 531, 535.) The prosecution has no general duty to seek out and obtain information to which the defense has equal access via SDT. (*People v. Superior Court (Barrett)* (2000) 80 Cal.App.4th 1305, 1318-19.) The Defendant can obtain his own DMV records from the DMV directly.

6. [Make Model and Serial Number of all communications equipment used by citing officer during the course of identifying defendant.]

Objection. Not required under Penal Code section 1054 or *Brady*. No justification. (*Hill v. Superior Court* (1974) 10 Cal.3d 812, 817.) Undue burden coupled with inadequate showing of relevancy. (*People v. Worthy* (1980) 109 Cal.App.3d 514, 524-25.) The People's obligation is to disclose relevant materials in the possession or control of the prosecution. (*Hill v. Superior Court* (1974) 10 Cal.3d 812, 816; *Pitchess v. Superior Court* (1974) 11 Cal.3d 531, 535.). The People are not in possession or control of this item.

7. [Manufacturer's instruction manual for all communications equipment used by citing officer during the course of identifying defendant.]

Objection. Not required under Penal Code section 1054 or *Brady*. No justification. (*Hill v. Superior Court* (1974) 10 Cal.3d 812, 817.) Undue burden coupled with inadequate showing of relevancy. (*People v. Worthy* (1980) 109 Cal.App.3d 514, 524-25.) The People's obligation is to disclose relevant materials in the possession or control of the prosecution. (*Hill v. Superior Court* (1974) 10 Cal.3d 812, 816; *Pitchess v. Superior Court* (1974) 11 Cal.3d 531, 535.). The People are not in possession or control of this item.

8. [Make model and serial number of pistols of each officer present during the course of the above referenced citation.]

Objection. Not required under Penal Code section 1054 or *Brady*. No justification. (*Hill v. Superior Court* (1974) 10 Cal.3d 812, 817.) Undue burden coupled with inadequate showing of relevancy. (*People v. Worthy* (1980) 109 Cal.App.3d 514, 524-25.) The People's obligation is to disclose relevant materials in the possession or control of the

prosecution. (*Hill v. Superior Court* (1974) 10 Cal.3d 812, 816; *Pitchess v. Superior Court* (1974) 11 Cal.3d 531, 535.). The People are not in possession or control of this item.

9. [Copy of the subscribed Oath's [sic] of Office of all CHP officers listed above.]

Objection. Not required under Penal Code section 1054 or *Brady*. No justification. (*Hill v. Superior Court* (1974) 10 Cal.3d 812, 817.) Undue burden coupled with inadequate showing of relevancy. (*People v. Worthy* (1980) 109 Cal.App.3d 514, 524-25.) The People's obligation is to disclose relevant materials in the possession or control of the prosecution. (*Hill v. Superior Court* (1974) 10 Cal.3d 812, 816; *Pitchess v. Superior Court* (1974) 11 Cal.3d 531, 535.). The People are not in possession or control of this item.

10. [Copy of CA State Birth Record EIB, COREY BRANDON on file at the CA Department of Public Health, Vital Records, Sacramento CA.]

Objection. Not required under Penal Code section 1054 or *Brady*. No justification. (*Hill v. Superior Court* (1974) 10 Cal.3d 812, 817.) Undue burden coupled with inadequate showing of relevancy. (*People v. Worthy* (1980) 109 Cal.App.3d 514, 524-25.) The People's obligation is to disclose relevant materials in the possession or control of the prosecution. (*Hill v. Superior Court* (1974) 10 Cal.3d 812, 816; *Pitchess v. Superior Court* (1974) 11 Cal.3d 531, 535.). The People are not in possession or control of this item. Information possessed by an agency that has no connection to the investigation or prosecution of the criminal charge against the defendant is not possessed by the prosecution team, and the prosecutor does not have the duty to search for or to disclose such material. (*People v. Superior Court (Barrett)* (2000) 80 Cal.App.4th 1305, 1315.)

Sincerely,



Ann J. Rosenthal
Deputy City Attorney



OFFICE OF THE CITY ATTORNEY
MICHAEL N. FEUER
CITY ATTORNEY

6262 Van Nuys Blvd., Suite 160
Van Nuys, CA 91401
Telephone 818 374-3300

April 18, 2016

Corey Brandon Eib
16045 Sherman Way, # H-63
Van Nuys, CA 91406

RE: *People v. Corey Brandon Eib*
Citation # CJ56370

Dear Mr. Eib:

Contained herein is the People's response to the supplemental discovery request you submitted in the above-entitled case.

Please note that it is the People's position that our discovery obligations are limited to those specified in Penal Code § 1054.1, and subdivision (e) of that section is viewed as incorporating our constitutional discovery obligations. (Pen. Code § 1054, subd. (e); *In re Littlefield* (1993) 5 Cal.4th 122, 129.)

"[A]ll court-ordered discovery is governed exclusively by--and is barred except as provided by--the discovery chapter newly enacted by Proposition 115. . ." *In re Littlefield, supra*, 5 Cal.4th at 129.

The People object to the request to the extent that it asks that we "produce" all discovery sought. The People's duty is only to make items available. (*People v. Garner* (1961) 57 Cal.2d 142-143.)

1. [By what method of valid identification is the state able to meet the FIRST/MIDDLE/LAST required for the name sequence on the citation per CA Judicial Council TR-Inst?]

Objection. Not required under Penal Code section 1054 or *Brady*. No justification. (*Hill v. Superior Court* (1974) 10 Cal.3d 812, 817.) This request is civil in nature. Civil discovery procedure has no relevance to criminal prosecutions. (*Pitchess v. Superior Court* (1974) 11 Cal.3d 531, 536.)

2. [What evidence exists that my presence in the United States is authorized under Federal Law?]

Objection. Not required under Penal Code section 1054 or *Brady*. No justification. (*Hill v. Superior Court* (1974) 10 Cal.3d 812, 817.) This request is civil in nature. Civil discovery procedure has no relevance to criminal prosecutions. (*Pitchess v. Superior Court* (1974) 11 Cal.3d 531, 536.)

- 3a. [Does the Los Angeles City Attorney's Office presume California exists as one of the several states? (as the term is used in Article 4 of the Federal Constitution)]

Objection. Not required under Penal Code section 1054 or *Brady*. No justification. (*Hill v. Superior Court* (1974) 10 Cal.3d 812, 817.) This request is civil in nature. Civil discovery procedure has no relevance to criminal prosecutions. (*Pitchess v. Superior Court* (1974) 11 Cal.3d 531, 536.)

- 3b. [Does the Los Angeles City Attorney's Office presume that California has citizens of its own? (As the term citizen is used in Article 4 of the Federal Constitution).]

Objection. Not required under Penal Code section 1054 or *Brady*. No justification. (*Hill v. Superior Court* (1974) 10 Cal.3d 812, 817.) This request is civil in nature. Civil discovery procedure has no relevance to criminal prosecutions. (*Pitchess v. Superior Court* (1974) 11 Cal.3d 531, 536.)

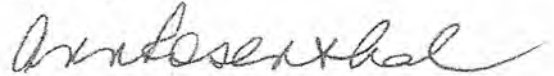
- 3c. [Does the Los Angeles City Attorney's Office presume that there are two completely separate governments within the boundaries as stated in the 1849 Constitution of California, a government of the state (as the term is used in Article 4 of the Federal Constitution) and a government of the United States?]

Objection. Not required under Penal Code section 1054 or *Brady*. No justification. (*Hill v. Superior Court* (1974) 10 Cal.3d 812, 817.) This request is civil in nature. Civil discovery procedure has no relevance to criminal prosecutions. (*Pitchess v. Superior Court* (1974) 11 Cal.3d 531, 536.)

3d. [Does the Los Angeles City Attorney's Office have any evidence indicating my citizenship is anything other than that of being a citizen one of the several states?]

Objection. Not required under Penal Code section 1054 or *Brady*. No justification. (*Hill v. Superior Court* (1974) 10 Cal.3d 812, 817.) This request is civil in nature. Civil discovery procedure has no relevance to criminal prosecutions. (*Pitchess v. Superior Court* (1974) 11 Cal.3d 531, 536.)

Sincerely,



Ann J. Rosenthal
Deputy City Attorney

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE

I, ANN J. ROSENTHAL, declare as follows: That I am a citizen of the United States and a resident of the County of Los Angeles; that I am over the age of eighteen years and I am not a party to the within action or proceeding; that my office address is: Los Angeles City Attorney's Office, 6262 Van Nuys Blvd., Room 160, Van Nuys, California 91401.

That on May 5, 2016, I served the within PEOPLE'S OPPOSITION TO MOTION TO COMPEL DISCLOSURE OF REQUESTED DISCOVERY; MEMORANDUM OF POINTS AND AUTHORITIES; EXHIBITS as indicated below:

By mailing a true copy addressed to the person(s) indicated below. I am readily familiar with the City Attorney's Office's practice for collection and processing of documents for mailing with the United States Postal Service. This envelope was sealed and placed for collection and mailing on the date indicated hereon, following ordinary business practices. The documents are then deposited with the United State Postal Service that same day they are postmarked, in the ordinary course of business.

Corey Brandon Eib
16045 Sherman Way, # H-63
Van Nuys, CA 91406

By facsimile to the person(s) and fax number(s) indicated below. The facsimile machine I used complied with California Rules of Court, Rule 2003, and the facsimile transmission described above was reported as complete and without error. A copy of the facsimile transmission report is attached to the original Proof of Service filed with the Court.

By personal service to the person(s) indicated below.

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on May 5, 2016, at Van Nuys, California.

ANN J. ROSENTHAL
Declarant

PEOPLE'S
OPPOSITION TO
DEMURRER

1 MICHAEL N. FEUER, City Attorney
2 RICHARD A. SCHMIDT, Supervising Assistant City Attorney
3 ANN J. ROSENTHAL, Deputy City Attorney (SBN 158413)
4 6262 Van Nuys Blvd., Room 160
5 Van Nuys, California 91401
6 Telephone: (818) 374-3300
7 Facsimile: (818) 374-3310

8 Attorneys for the Plaintiff,
9 THE PEOPLE OF THE STATE OF CALIFORNIA

10
11
12 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
13 COUNTY OF LOS ANGELES, NORTHWEST JUDICIAL DISTRICT

14 PEOPLE OF THE STATE OF CALIFORNIA,) Case No.: CJ56370
15 Plaintiff,)
16 vs.) **PEOPLE'S OPPOSITION TO**
17 COREY EIB,) **DEMURRER; MEMORANDUM OF**
18 Defendant) **POINTS AND AUTHORITIES**
19)
20) DATE: June 22, 2016
21) TIME: 8:30 a.m.,
22) DEPT: 102

23 TO THIS HONORABLE COURT AND THE DEFENDANT IN PROPRIA PERSONA:

24 The People of the State of California hereby oppose the Demurrer filed by COREY EIB
25 (hereinafter referred to as "the Defendant"). The Complaint in this case is sufficient on its face.
26 All of Defendant's other arguments are without merit

27 This Opposition is based on the following memorandum of Points and Authorities, the
28 court's file in this matter, and any other and further argument that may be had at the hearing of
29 Defendant's Demurrer.

30 ///
31 ///
32 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

MEMORANDUM OF POINTS AND AUTHORITIES

INTRODUCTION

On or about November 25, 2015, the Defendant was stopped by CHP Officer Bemiller while driving on the northbound I-405, north of Mullholland Dr., and issued a Notice to Appear, # CJ56370, citing Defendant for violations of Vehicle Code sections 12500(a), [unlicensed driver], 4000(a)(1) [expired vehicle registration] and 16028(a) [driving with no proof of insurance]. (A copy of the Notice to Appear, # CJ56370, is attached hereto as Exhibit 1). After continuing his arraignment two times, the Defendant has now asked this court to consider his Demurrer to the Complaint. As will be shown below, Defendant's Demurrer is without merit and should be overruled in its entirety.

ARGUMENT

I.

A DEMURRER RAISES ONLY AN ISSUE OF LAW AS TO THE SUFFICIENCY OF AN ACCUSATORY PLEADING ON ITS FACE

Penal Code section 1004 provides that the defendant may demur to the accusatory pleading at any time prior to the entry of a plea, when it appears upon the face thereof either:

1. If an indictment, that the grand jury by which it was found had no legal authority to inquire into the offense charged, or, if an information or complaint that the court has no jurisdiction of the offense charged therein;
2. That it does not substantially conform to the provisions of §§ 950 and 952, and also § 951 in case of an indictment or information;
3. That more than one offense is charged, except as provided in § 954;
4. That the facts stated do not constitute a public offense;
5. That it contains matter which, if true, would constitute a legal justification or excuse of the offense charged, or other legal bar to the prosecution.

1 In the instant case, Defendant's Demurrer states that it is brought pursuant to subdivisions
2 2, 4, and 5, but Defendant's pleading makes no argument as to how the Complaint in this case is
3 defective under Penal Code section 1004. Defendant's only comment about the Complaint itself
4 is in point VIII (Demurrer, 4:17 – 5:8) where Defendant argues that his name and address as
5 written by CHP Officer Bemiller on the Notice to Appear are incorrect, and that somehow
6 entitles him to some relief. Defendant is mistaken.

7
8 **A. The Notice To Appear Used By CHP Officer Bemiller Constitutes A Valid**
9 **Complaint In This Case**

10 A criminal proceeding is commenced by an "accusatory pleading," and in misdemeanor
11 prosecutions it is a complaint. (Cal. Pen. Code § 950; Cal. Pen. Code § 949, 4 Witkin, *supra*, §
12 6, pp. 11-12.) Penal Code section 19.7 provides, in relevant part: "[A]ll provisions of law
13 relating to misdemeanors shall apply to infractions including but not limited to powers of peace
14 officers, jurisdiction of courts, periods for commencing action and for bringing a case to trial
15 and burden of proof." The procedure for commencing an action for a violation of the Vehicle
16 Code is ascribed under Section 40500, which provides that an officer may issue a Notice to
17 Appear upon a determination that any violation of the code has been committed. A written
18 Notice to Appear, delivered and filed with the Court, constitutes a complaint. (Cal. Veh. Code §
19 40513(a).) The Notice to Appear must contain the following: "the name and address of the
20 person, the license number of his or her vehicle, if any, the name and address, when available, of
21 the registered owner or lessee of the vehicle, the offense charged and the time and place when
22 and where he or she shall appear." (Vehicle Code §40500(a).) These requirements substantially
23 mirror the requirements for a misdemeanor complaint under Penal Code section 950 which
24 simply requires: (1) the title of the action and names of the parties; and (2) a statement of the
25 public offenses charged therein.

26 Defendant claims that his name and address on the Notice to Appear are not correct.
27 However, looking at Defendant's record with the DMV, the information contained on the Notice
28 to Appear is the same as on his most recent DMV record. (Defendant's DMV record is attached

1 hereto as Exhibit 2.) Defendant's claim that the information on his DMV record is not correct,
2 and/or his address has not been updated (Demurrer, 5:18-27), is an admission that he has also
3 violated Vehicle Code section 14600, which provides that when a person who has received a
4 drivers license moves to a new residence, or acquires a new mailing address, he *shall within 10*
5 *days thereafter* notify the department of both the old and new address. Then, when the
6 presenting his license for examination upon demand of a police officer under Vehicle Code
7 section 12951(b), the driver must also present the document issued by the DMV showing the
8 change of address if the license in the driver's possession does not reflect the driver's current
9 residence or mailing address. (Vehicle Code section 14600(b).)

10 Perhaps the People should amend the Complaint to add this violation.

11
12 **B. The Other Issues Raised By Defendant Are Not Reached By Demurrer**

13 It is well settled that a demurrer is a pleading which raises an issue of law as to the
14 sufficiency of an accusatory pleading. (*Shortridge v. Municipal Court* (1984) 151 Cal.App.3d
15 611, 616; *People v. Dury* (1983) 152 Cal.App.3d Supp. 23, 27; *People v. Hale* (1965) 232
16 Cal.App.2d 112, 120.) A demurrer lies only for defects appearing on the face of the accusatory
17 pleading. (Cal. Pen. Code § 1004; *People v. Williams* (1979) 97 Cal.App.3d 382, 387-88; *Dury*,
18 *supra*, 152 Cal.App.3d at Supp. 27.) It is not an appropriate vehicle to measure the sufficiency
19 of the evidence or to test a question of fact outside the scope of the pleadings. (*Hale, supra*, 232
20 Cal.App.2d at 120; *People v. McAllister* (1929) 99 Cal.App. 37, 40-44 ("Section 1004 of the
21 Penal Code describes five grounds of demurrer In none of these subdivisions is the
22 sufficiency of the evidence . . . made of consequence for the purposes of demurrer).)
23 "Evidentiary matters are not reached by a demurrer." (*Dury, supra*, 152 Cal.App.3d at Supp.
24 27.)

25
26 **I. The Notice to Appear Complies With The Requirements of Due Process**

27 In Defendant's Paragraph IV (Demurrer, 3: 12 – 21), the Defendant raises the issue of
28 Due Process. All that due process requires is that an accused be given notice of the charges

1 against him (*In re Hess* (1955) 45 Cal.2d 171, 175.) It is not the function of criminal pleadings
2 to provide the defendant with notice of the particular circumstances of the charge. (*People v.*
3 *Washington* (1971) 17 Cal.App.3d 470, 475; *People v. Marshall* (1957) 48 Cal.2d 394, 399 fn.
4 5.) Thus, the charges must contain in substance a statement that the accused has committed
5 some public offense. (Cal. Pen. Code § 952; *People v. Bright* (1996) 12 Cal.4th 652, 670.) The
6 statement may be phrased in the words of the statute describing the offense or in any other
7 words sufficient to afford notice to the accused of the offense charged, so that he may have a
8 reasonable opportunity to prepare and present a defense. (*Ibid.*) This is undoubtedly the
9 simplest, and appears to be the most common, method of pleading; and the charge is sufficient
10 even though, by this method, it contains conclusions of law. (*Ratner v. Municipal Court* (1967)
11 256 Cal.App.2d 925, 929.)

12 The Complaint (Notice to Appear) in this case uses the words of the statute in describing
13 the offense committed by the defendant, to wit:

14	"12500(a) VC Unlicensed Driver	M"	(Misdemeanor)
15	" 4000(a)(1)VC Exp. Reg.	I"	(Infraction)
16	"16028(a) VC No Proof of Insurance	I"	(Infraction)

17
18 Thus, the Notice to Appear in this case complies with the requirements of section 952 and
19 sufficiently gives the defendant notice of the offense of which he is accused.

20
21 **2. Whether Or Not The Cited Violations Apply To The Defendant Is A Question Of**
22 **Fact, and Not Reached By Demurrer**

23 As stated previously, demurrer under Penal Code section 1004 is limited in scope and may
24 not challenge the sufficiency of the evidence against a defendant. Defendant claims that he is
25 not a person described in Vehicle Code section 21052 (Paragraph V, Demurrer 3:22 – 4:2), He
26 also seems to be challenging the ownership status of the public roads and highways. (Paragraph
27 VI, Demurrer 4:3-12.) Then Defendant asserts that it is not necessary to register the vehicle he
28

1 was driving. (Paragraph VII, Demurrer, 4:13-16.) The answer to all of these questions are
2 factual in nature – none of them can be reached by Demurrer.

3 “ . . . [A] demurrer tests only defects existing on the face of the
4 indictment The question of whether the defendants did [certain
5 acts], and if so, for how long, is one of fact not law and therefore
6 should be decided by a jury” A demurrer, however, is not a
7 proper means to test the sufficiency of evidence.”

8 (*Id.* at 391; *McAllister, supra*, 99 Cal.App. at 40, 44.)

9 Again, the defendant has failed to address any particular language contained in the
10 complaint which would fail to state a public offense as required by Penal Code section 1004.

11 Whether the actions of the defendant violated the charge against him is a question of fact, not of
12 law, and therefore should be decided by a trier of fact. (*See Williams, supra*, 97 Cal.App.3d at 391.)

13 A demurrer, however, is not a proper means for the defendant to test the sufficiency of evidence
14 against him and any argument made by Defendant related to the facts of the violation itself is
15 not properly brought through demurrer. (*See Ibid.*)

16
17 3. Defendant’s Quotation of Five Paragraphs from the Syllabus of U.S. Supreme
18 Court Case *Texas v. White* is Historically Interesting But Completely
19 Irrelevant

20 Without providing any context, Defendant cited to five paragraphs from the Syllabus
21 portion of the U.S. Supreme Court case *Texas v. White*, (1869) 74 U.S. 700. This case, decided
22 before California became a State,¹ involved Treasury bonds that were issued to the State of
23 Texas by the United States, payable to the State of Texas or bearer, and redeemable after
24 December 31, 1864. (*Id.* at 717.) Pursuant to an act of the Texas Legislature, the bonds were
25 deposited in the treasury of the State of Texas, and must be indorsed by the Governor of the
26 State of Texas to be payable. (*Id.* at 718.) Most of the bonds were indorsed and sold according
27

28

¹ California became the 31st State of the United States on September 9, 1850.

1 to law, but a part of them were still in the treasury of Texas in January 1861 when "the late
2 Southern rebellion broke out." (*Ibid.*) On March 4, 1861, after an election, an ordinance of
3 secession was ratified and Texas withdrew from the United States and took an oath to support
4 the provisional government of the Confederate States. (*Ibid.*) The legislature of the usurping
5 government of Texas then passed an act to sell bonds in the State treasury for use during the
6 Civil War, and repealed the act requiring the bonds be indorsed by the governor. (*Ibid.*) Bonds
7 were delivered to White & Chiles, bankers in England, and none of them was indorsed by any
8 governor of Texas. (*Ibid.*) In 1865 the rebel forces were disbanded and the United States
9 sought to Reconstruct Texas. (*Id.* at 1729.) In 1866 the State passed an ordinance looking to
10 recover the bonds and filed for an injunction to restrain the ultimate holders of the bonds from
11 receiving payment from the United States, and to compel that they be surrendered to the State of
12 Texas. (*Id.* at 717 - 19.) One of the questions presented in the case was whether the State of
13 Texas, having seceded from the Union, so far changed its status that it did not have jurisdiction
14 to bring a lawsuit in a court of the United States. (*Id.* at 719.) After discussing the changes in
15 the State of Texas over the period of the Civil War, the U.S. Supreme Court ruled that the
16 actions of the rebellion in Texas to secede from the United States were without operation of law
17 (*Id.* at 726) "When, therefore, Texas became one of the United States, she entered into an
18 indissoluble relation." (*Id.* at 726.) "The Constitution, in all its provisions, looks to an
19 indestructible Union, composed of indestructible States." (*Id.* at 725.) While the Court
20 recognized the right of Texas to have a republican form of government throughout the Civil
21 War, the actions the rebel government took during the Civil War to sell the bonds for the
22 purpose of levying war against the United States was unlawful (treasonable). (*Id.* at 733.) The
23 Court ruled that the State of Texas was entitled to return of the bonds. (*Id.* at 736.)

24 While a case of historical significance, *Texas v. White* has no application to the case at
25 bar.

26 ///
27 ///
28 ///

1 4. The Paragraphs Challenging This Court's Jurisdiction Over This Case Are
2 Confused and Flawed

3 Pages 11 and 12 of Defendant's Demurrer appear to be a compilation of nonsense,
4 challenging this Court's jurisdiction over this case. According to Defendant's DMV record, he
5 was issued a California identification card on 10/31/2007, and a drivers license on 05/28/2009,
6 both currently expired. Defendant listed his mailing and residence address as 1278 Glenneyre,
7 Apt. 261, Laguna Beach, CA 92651. Defendant's address is within the defined boundaries and
8 borders of the State of California,² and the Court can take judicial notice that Defendant was
9 driving within the City of Los Angeles, State of California.

10 Defendant's concern that he is being mistaken for a State employee, referred to in Veh.
11 Code section 21052 is misguided, as the charges filed against the Defendant are not found in
12 Division 11 of the Vehicle Code [Rules of the Road], which apply to any operation of vehicles
13 upon the highways, unless otherwise specified. (Veh. Code section 21001.)

14 ///

15 ///

16 ///

17 ///

18 ///

19 ///

20 ///

21

22 ² *California Constitution of 1849, Article XII states, "The Boundary of the State of California shall be as*
23 *follows : Commencing at this point of intersection of 42d degree of north latitude with the 120th degree*
24 *of longitude west from Greenwich, and running south on the line of said 120th degree of west longitude*
25 *until it intersects the 39th degree of north latitude; thence running in a straight line in a south easterly*
26 *direction to the River Colorado, at a point where it intersects the 35th degree of north latitude; thence*
27 *down the middle of the channel of said river, to the boundary line between the United States and*
28 *Mexico, as established by the Treaty of May 30th, 1848; thence running west and along said boundary*
line to the Pacific Ocean, and extending therein three English miles; thence running in a northwesterly
direction, and following the direction of the Pacific Coast to the 42d degree of north latitude, thence on
the line of said 42d degree of north latitude to the place of beginning. Also all the islands, harbors, and
bays, along adjacent to the Pacific Coast."

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CONCLUSION

Based on the foregoing and any further argument that may be presented at the time of the hearing, the People urge that Defendant's Demurrer be overruled.

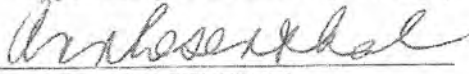
DATE: June 10, 2016

Respectfully submitted,

MICHAEL N. FEUER, City Attorney

RICHARD SCHMIDT,

Supervising Assistant City Attorney

By 

ANN J. ROSENTHAL

Deputy City Attorney

Attorneys for Plaintiff

PEOPLE OF THE STATE OF CALIFORNIA

STATE OF CALIFORNIA
DEPARTMENT OF CALIFORNIA HIGHWAY PATROL
NOTICE TO APPEAR
CHP 215 (REV. 05-15)

CJ 56370

MISDEMEANOR
 Traffic Nontraffic

Date of Violation: 11-25-15 Time: 5:30 PM Day of the Week: S M T W T F S CHP 215s Accident

Name (First, Middle, Last): COREY BRANDON EIB Owner's Responsibility (§40001 VC)

Address: 1278 GLENNEYRE #261

City: LAGUNA BEACH State: CA ZIP Code: 92653

Driver Lic. No.: C5595110 (EXP) State: CA Commercial: Yes No Age: 69 Birth Date: 05/21/69

Sex: M Hair: BL Eyes: HZ Height: 5-10 Weight: 195 Race/Ethnicity: W

Veh. Lic. No. or VIN No.: 3CFY78G45754 State: CA Reg. Exp. COMMERCIAL VEHICLE (§15210(b) VC) HAZARDOUS MATERIAL (§1553 VC)

Yr. of Veh.: 2005 Make: CHEV Body Style: HT Color: GRK Veh. Type: 01

Evidence of Financial Responsibility or CHP/DDT/PUC/ICC: NONE

Registered Owner or Lessee: AMAR 18R15 Same as Driver

Address: 3637 CALLE CANON Same as Driver

City: CALABASAS State: CA ZIP Code: 91302

Correctable Violation (§40610 VC) Booking Required (See Reverse) Misdemeanor or Infraction (Circle)

- 72500(a) VC UNLICENSED DRIVER (M)
- 4000(a)(1) VC EXP REG (M)
- 16028(a) VC NO PROOF OF INSURANCE (C)

Speed Approx.: 5 P.F./Max Spd.: 65 Veh. Lmt.: Safe Special:

Location of Violation(s): N 405 RD MULHULLAND

Beat: 404 Area: 580 Perm. Area: Radar/Video Unit/ Patrol Vehicle No.: 2475 MVARs

Violations not committed in my presence, declared on information and belief.

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct.

Executed at (place): LA CITY, California

Dec. Date: 11-25-15 Arresting or Citing Officer: S. BEMILLER I.D. No.: 21079 to: to

Dec. Date: Name of Arresting Officer, if different from Citing Officer: S. BEMILLER I.D. No.: to: to

WITHOUT ADMITTING GUILT, I PROMISE TO APPEAR AT THE TIME AND PLACE INDICATED BELOW.

X SIGNATURE: [Signature] DATE: 02/25/16 TIME: 8:30 AM AM PM

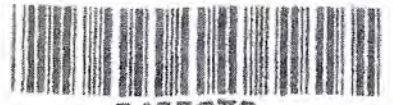
WHAT TO DO: FOLLOW THE INSTRUCTIONS ON THE REVERSE

WHERE: 9465 PENFIELD AVE SUPERIOR COURT JUVENILE

ADDRESS: CHATSWORTH, CA 91311 (1400 ERWIN ST MALL FL 2 LAN HILLS, CA 91401)

PHONE NO.: (213) 742-1894

To be notified You may arrange with the clerk to appear at a night session of the court.



CJ56370

CJ 56370

EXHIBIT 1

IN
DATE:06-10-16*TIME:11:14*
MATCHED ON:*L/N*F/N
DMV RECORD FOR LAW ENFORCEMENT USE ONLY
DL/NO:C5595110*B/D:06-21-1969*NAME:EIB COREY BRANDON*
MAIL ADDR AS OF 05-28-09:1278 GLENNEYRE APT 261 LAGUNA BEACH 92651*
RES/ADDR:1278 GLENNEYRE APT261 LAGUNA BEACH*
OTH/ADDR AS OF 01-12-10:1278 GLENNEYRE 261 LAGUNA BEACH *
AKA:ELB COREY BRANDON*
IDENTIFYING INFORMATION:
SEX:MALE*HAIR:BLOND*EYES:HEZ*HT:5-10*WT:195*
ID CARD MLD:10-31-07*EXPIRES:06-21-10*
ID DUP OR NO FEE ISS:10-19-07*
LIC/ISS:05-28-09*EXPIRED*CLASS:C NON-COMMERCIAL*
ENDORSEMENTS:NONE*
LATEST APP:
DL TYPE:RENEWAL*ISS/DATE: 05-28-09*OFFICE: SNC*BATES:POL*
ORGAN AND TISSUE DONOR: YES UPDATED:05-28-09
LICENSE STATUS:
SUSPENDED OR REVOKED
SERVICE NEEDED, SEE HISTORY BELOW*
DEPARTMENTAL ACTIONS:
DRV LIC SUSPENDED *EFF:02-03-10*ORDER MAILED:01-04-10*AUTH:13365 *
REASON:FAIL TO APPEAR NOTICE*SERVICE:A/01-04-10*
MAILED, NOT RETURNED UNCLAIMED*
VERBAL OR PERSONAL SERVICE NEEDED*
CONVICTIONS:
VIOL/DT CONV/DT SEC/VIOL DKT/NO DISP COURT VEH/LIC
06-14-13 01-23-14 12500A VC *IRM451 C 30460 1301197
405095 VC *FAILURE TO PAY FINE
FINE AMOUNT DUE \$ 727
DMV POINT COUNT 0
FAILURES TO APPEAR:
NONE
ACCIDENTS:
NONE
END

OUTPUT MSG 004, FROM 3RCYYYYY06/10/2016 11:14

EXHIBIT 2

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE

I, Ann J. Rosenthal, declare as follows: That I am a citizen of the United States and a resident of the County of Los Angeles; that I am over the age of eighteen years and I am not a party to the within action or proceeding; that my office address is: Los Angeles City Attorney's Office, 6262 Van Nuys Blvd., Room 160, Van Nuys, California 91401.

That on June 10, 2016, I served the within PEOPLE'S OPPOSITION TO DEMURRER: MEMORANDUM OF POINTS AND AUTHORITIES, EXHIBITS as indicated below:

By mailing a true copy addressed to the person(s) indicated below. I am readily familiar with the City Attorney's Office's practice for collection and processing of documents for mailing with the United States Postal Service. This envelope was sealed and placed for collection and mailing on the date indicated hereon, following ordinary business practices. The documents are then deposited with the United State Postal Service that same day they are postmarked, in the ordinary course of business.

By facsimile to the person(s) and fax number(s) indicated below. The facsimile machine I used complied with California Rules of Court, Rule 2003, and the facsimile transmission described above was reported as complete and without error. A copy of the facsimile transmission report is attached to the original Proof of Service filed with the Court.

By personal service to the person(s) indicated below.

Corey Eib
16045 Sherman Way, # H-63
Van Nuys, CA 91406

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on June 10, 2016, at Van Nuys, California.

ANN J. ROSENTHAL
Declarant