



Chambers of
CHARLES MARGINES
ASSISTANT PRESIDING JUDGE
C1

Superior Court of California County of Orange

700 CIVIC CENTER DRIVE WEST
SANTA ANA, CA 92701
PHONE: 657-622-5201

September 22, 2015

Cory Eib
c/o [REDACTED]
[REDACTED]

Re: *People v. Eib* OCSC Case No. IRM451842 and
Eib v. Maggard OCSC Case No. 30-2013-00666827

Dear Mr. Eib,

This responds to your letter received August 14, 2015, in which you complain about the manner in which the above-referenced cases were handled by Commissioner Max De Liema and Judge Matthew S. Anderson. Presiding Judge Glenda Sanders has referred your letter to me. In your letter, you claim that the judicial officers in these cases did not consider evidence you attempted to introduce, acted inappropriately, and denied you the right to honest government service.

I have investigated the issues you presented by reviewing your letter and the attached documentation, examining the case files for both cases, listening to the electronic recording of the trial in the traffic proceeding, and reading the transcripts of the civil harassment case.

As for the traffic case, you allege that Commissioner De Liema improperly issued a nunc pro tunc order rejecting your evidence concerning the Irvine Director of Public Safety/Chief of Police, David L. Maggard, Jr. (hereinafter "Chief Maggard"). Whether Chief Maggard had been appointed by the City Council, had an oath of office on file, or properly held the office of Chief of Police was irrelevant to the issue of whether you had been driving a motor vehicle without a license. The evidence was properly excluded.

You also assert that you were convicted "using the identity of a state issued, and state maintained birth record in a conspiracy to deny [you] constitutionally secured rights and profit from the use of a title of nobility against [your] will and without any legitimate consent." The record does not support this contention. You were found guilty based on your statements and the testimony of Officer James Moore which established beyond a reasonable doubt that you had been driving a motor vehicle on a public highway without a valid driver's license.

With respect to the civil harassment case, *Eib v. Maggard*, OCSC Case No. 30-2013-00666827, you claim that when you made Judge Anderson aware of a felony committed by Chief Maggard, Judge Anderson responded that he had "real felonies to deal with." My review of the transcripts did not reveal any such language. Judge Anderson did rule that evidence addressing whether Chief Maggard had been properly appointed as the Chief of Police was inadmissible

and explained the reason for his ruling. (Aug. 23, 2013 RT 22:25-24:9) You further claim that when you referenced the California Judicial Council's Judges Handbook on Restraining Orders, Judge Anderson screamed at the top of his lungs, "I don't care what the Judge's Handbook says." My review of the transcripts did not reveal that Judge Anderson made any such statement. After you had presented all of your witnesses and evidence on August 23, 2013, you indicated you did not have any other evidence that you wanted to present, but you refused to rest your case. You interrupted Judge Anderson as he was explaining your options. Judge Anderson then pointed out that you had interrupted him, and continued to inquire whether you were going to rest your case, and if not, what evidence you wished to present. (Aug. 23, 2013 RT 30:26-31:16) The proceeding resumed on August 28, 2013, and you presented additional evidence. Judge Anderson found that none of the evidence you had offered fell within the legal definition of harassment.

The essence of your complaint addresses the substantive rulings regarding admissibility of evidence and ultimate decisions made by Commissioner De Liema and Judge Anderson. While I regret your dissatisfaction with the court's handling of your cases, I cannot interfere with or otherwise affect rulings or orders made by other judicial officer. Each judicial officer exercises independent judicial authority, and no judge – not even the Presiding Judge – has the authority to review, overrule, intervene in, or otherwise affect the outcome of any matter proceeding before another judicial officer. The appropriate method to seek review of a court's rulings and judgment is via writ petition or appeal.

My review of the transcripts, recording, and case files did not reveal any judicial misconduct on the part of either Commissioner De Liema or Judge Anderson. Rather, my investigation revealed that both judicial officers afforded you due process and all rights to which you are entitled. Consequently, I am closing your complaint without taking any further action. While I am unable to assist you as you have requested, please know that I appreciate your taking the time to advise me of your concerns in these proceedings.

If you are dissatisfied with the Court's action on your complaint with respect to Commissioner De Liema, you have the right to request the Commission on Judicial Performance to review this matter under its discretionary jurisdiction to oversee the discipline of subordinate judicial officers. No further action will be taken on your complaint unless the commission receives your written request within 30 days after the date this notice is mailed. The commission's address is:

Commission on Judicial Performance
455 Golden Gate Avenue, Suite 14400
San Francisco, California 94102-3660

Sincerely,

A handwritten signature in black ink, appearing to read "Charles Margines", with a large, stylized flourish at the end.

Charles Margines
Assistant Presiding Judge

CC: Commissioner Max De Liema