

1 Corey Eib  
2 c/o 16045 Sherman Way #H-63  
3 Van Nuys, California  
4 Non-Domestic  
5 Email: EibvCHP@gmail.com

CONFORMED COPY  
ORIGINAL FILED  
Superior Court of California  
County of Los Angeles

JUN 6 2016

Sherril R. Carter, Executive Officer/Clerk  
By [Signature] Deputy

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 COUNTY OF LOS ANGELES

11 The People of the State of California,

12 Plaintiff,

13 vs.

14 Corey Eib,

15 Defendant

) Case No.: CJ 56370

) NOTICE OF DEMURRER AND DEMURRER,  
) MEMORANDUM OF POINTS AND  
) AUTHORITIES, AND REQUEST FOR  
) DISMISSAL WITHOUT LEAVE TO AMEND  
) (Penal Code § 1004, 1008)

) Date: June 7, 2016  
) Time: 8:30 AM  
) Dept: 102

18 NOTICE OF DEMURRER

20  
21 TO THE COMMISSIONER, THE COURT, and to the PEOPLE OF THE  
22 STATE OF CALIFORNIA AND/OR THEIR REPRESENTATIVE(s) in this  
23 case: PLEASE TAKE NOTICE THAT On June 7 at 8:30 am or as  
24 soon thereafter as the Court shall allow, Defendant Corey  
25 Eib will and hereby does move the Court for an Order  
26 sustaining a Demurrer to the Complaint, and for dismissal  
27 without leave to amend.  
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## DEMURRER

This Demurrer is brought pursuant to CA Penal Code 1004 subdivisions 2, 4, and 5 to dismiss the charges brought against the Defendant on the following grounds:

1. The People have failed to plead the elements of the charged offenses with sufficient certainty to require the Defendant to be held to answer for the charged offenses.
2. There is no conduct that would constitute a public offense
3. The charges contain matter which, if true, would constitute a legal justification or excuse of the offense charged, or other legal bar to the prosecution.

This Demurrer is based on this pleading, the accompanying points and authorities, and all papers, records, evidence, and oral testimony that may be presented at the hearing for this Demurrer

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## MEMORANDUM OF POINTS AND AUTHORITIES

- I. The only pleading on the part of the defendant is either a demurrer or a plea. (CA PC 1002)
- II. Both the demurrer and plea must be put in, in open court, either at the time of the arraignment or at

1 such other time as may be allowed to the defendant  
2 for that purpose. (CA PC 1003)

3 III. The Defendant may demur to the accusatory pleading at  
4 any time prior to the entry of a plea, when it  
5 appears upon the face thereof either:

6 a. That the facts stated do not constitute a public  
7 offense. (CA PC 1004(4))

8 b. That it contains matter which, if true, would  
9 constitute a legal justification or excuse of the  
10 offense charged, or other legal bar to the  
11 prosecution. (CA PC 1004(5))

12 IV. Due process of law requires that the accused be  
13 advised of the charges against him in order that he  
14 may have a reasonable opportunity to prepare and  
15 present his defense and not be taken by surprise by  
16 evidence offered at his trial. (In re Hess (1955) 45  
17 Cal.2d 171,175: See also People v Bright (1966) 12<sup>th</sup>  
18 Cal.4th 652 [Complaint must afford notice to the  
19 accused of the offense charged, so that he or she may  
20 have reasonable opportunity to prepare and present  
21 defense])

22 V. Defendant is not an employee of this State, or an  
23 employee of the United States and was not in the  
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1 United States<sup>1</sup> or its jurisdiction at the time  
2 Defendant was arrested. (CA VC 21052)

3 VI. The right of a citizen of the several states to use  
4 the public roads and highways is secured. Travel, by  
5 privately owned modern conveyance of the day, upon  
6 the public highways is one of the privileges and  
7 immunities protected and secured in Article 4 Section  
8 2 Clause 1, and among other areas of the Federal  
9 Constitution. At all times during contact with Mr.  
10 Bemiller, Defendant was within the boundaries of his  
11 domicile as stated in the 1849 California  
12 Constitution.

13 VII. The automobile Defendant was driving at the time he  
14 was arrested is not of the type that requires  
15 registration with the CA DMV, it is the private  
16 personal property of Defendant.

17 VIII. The charging document does not comply with  
18 California Rules of Court Rule 4.103. Form TR-130 #CJ  
19 56370 does not comply with the requirements set forth  
20 in the current version of the California Judicial  
21 Council's instructions, and contains evidence of  
22 willful presentation to the court of incorrect  
23 mandatory information, subscribed under penalty of  
24 perjury that it was correct. Defendant's name is not  
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26 <sup>1</sup> Defendant's use of the term 'United States' herein this Demurrer is the same as  
27 the term is used in CA Commercial Code § 9307(h) "The United States is located in  
28 the District of Columbia."

1 in the specific sequence of FIRST/MIDDLE/LAST and  
2 does not correspond with any DMV issued driver  
3 license or identification card. The mailing address  
4 on the complaint is not a correct address, and  
5 despite Defendant advising Bemiller the information  
6 was incorrect, Bemiller persisted in arresting  
7 defendant and subscribing to the charging document as  
8 true and correct.

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11 **STATEMENT OF THE CHARGES**

12  
13 The charging document is by way of CA Judicial Council form  
14 TR-130 #CJ 56370. The portions of the charging document  
15 that specify CA Vehicle Code violations are not legible on  
16 Defendant's copy.

17  
18 Mr. Bemiller is the CHP Employee who signed the charging  
19 document under penalty of perjury as true and correct.  
20 Defendant unambiguously notified Mr. Bemiller that the  
21 required mailing address on the citation was not valid, Mr.  
22 Bemiller however, insisted on using incorrect information  
23 in required sections of the citation and willfully  
24 presented a false charging document to the court with  
25 incorrect mandatory information (see CA Judicial Council  
26 TR-INST revised June 26, 2015 rules 6.060, 6.070, and  
27 6.240; CA Penal Code 115(a))  
28

1 Evidence of the charges against Defendant consists solely  
2 of CA Judicial Council Form #TR-130 containing Mr.  
3 Bemiller's signature under penalty of perjury that all  
4 information on the charging document is true and correct, a  
5 statement Mr. Bemiller could not have reasonably believed  
6 to be true at the time he arrested Defendant and subscribed  
7 to the complaint as true and correct.  
8

9 The charges of this case are brought and prosecuted by  
10 employees and of CA State for violations of CA State  
11 Statute against a citizen of the several states which on  
12 its face denies Defendant's constitutional right to  
13 domicile within the boundaries as stated in the 1849  
14 Constitution of the State of California and self  
15 government, as well as numerous statutory and  
16 constitutional provisions secured to Defendant.  
17

18 The same CA State employees just referenced have also  
19 conspired, under Color of Law,<sup>2</sup> to deny Defendant the right  
20 to the use and enjoyment of his property, and the right to  
21 a republican form of government lawfully admitted into the  
22 Union by authority of 31<sup>st</sup> Congress of the United States of  
23 America and identified as the State of California.<sup>3</sup>  
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25 <sup>2</sup> See The United States Department of Justice 'Deprivation of Rights Under Color of  
26 Law' at <https://www.justice.gov/crt/deprivation-rights-under-color-law>  
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28 <sup>3</sup> See Defendant's Declaration dated April 29<sup>th</sup> 2016 and filed May 11 2015; See also  
Defendant's identification document #CBE-06211969-CSC attached as page 3 of Exhibit

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2 **ARGUMENT IN SUPPORT OF DEMURRER**  
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4 All counts of vehicle code violations against Defendant  
5 must be dismissed or removed to Federal Court as the  
6 Defendant is not a resident of this state, nor is the  
7 Defendant employed by this state, or any state of the  
8 United States or the United States. There is a diversity of  
9 citizenship between Defendant and this State contemplated  
10 in Article III of the Federal Constitution.  
11

12 CA Vehicle Code Section 21052 states "The provisions of  
13 this code applicable to drivers of vehicles upon the  
14 highways apply to the drivers of all vehicles while engaged  
15 in the course of employment by this State, any political  
16 subdivision thereof, any municipal corporation, or any  
17 district, including authorized emergency vehicles subject  
18 to those exemptions granted such authorized emergency  
19 vehicles in this code."  
20

21 CA Vehicle Code Section 12505(a)(1) states: For the  
22 purposes of this division only and notwithstanding Section  
23 516,<sup>4</sup> residency shall be determined as a person's state of  
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25 1 of the Prosecution's OPPOSITION TO MOTION TO COMPEL DISCLOSURE OF REQUESTED  
26 DISCOVERY dated May 5<sup>th</sup> 2016 and filed into this record.

27 <sup>4</sup> CA VC Section 516. "Resident" means any person who manifests an intent to  
28 live or be located in this state on more than a temporary or transient  
basis. Presence in the state for six months or more in any 12-month period  
gives rise to a rebuttable presumption of residency.

1 domicile. "State of domicile" means the state where a  
2 person has his or her true, fixed, and permanent home and  
3 principle residence and to which he or she has manifested  
4 the intention of returning whenever he or she is absent."  
5

6 The prosecution, without any substantiating or supporting  
7 evidence, and while simultaneously opposing the disclosure  
8 of exculpatory evidence, alleges via the complaint (CA  
9 Judicial Council Form TR-130 # CJ 56370) that Defendant is  
10 either employed by this state, is a resident of this state,  
11 or is subject to the authority of United States  
12 jurisdiction via the 14<sup>th</sup> Amendment, or other lawful Federal  
13 authority. All of which is false.  
14

15 Defendant, as he did prior to his arrest by Mr. Bemiller,  
16 again rebuts the presumption of residency in this state and  
17 rebuts the presumption of driving during the course of  
18 employment by this State or the United States. (See  
19

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20 The following are evidence of residency for purposes of vehicle  
21 registration:

- 22 (a) Address where registered to vote.
- 23 (b) Location of employment or place of business.
- 24 (c) Payment of resident tuition at a public institution of higher  
25 education.
- 26 (d) Attendance of dependents at a primary or secondary school.
- 27 (e) Filing a homeowner's property tax exemption.
- 28 (f) Renting or leasing a home for use as a residence.
- (g) Declaration of residency to obtain a license or any other privilege  
or benefit not ordinarily extended to a nonresident.
- (h) Possession of a California driver's license.
- (i) Other acts, occurrences, or events that indicate presence in the  
state is more than temporary or transient.



1 Defendant's Declaration filed 5-11-2016 in Superior Court  
2 Dept. 102)

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5 **THE STATE OF CALIFORNIA, IDENTIFIED BY IT'S**  
6 **CONSTITUTION OF 1849, IS PART OF AN INDISSOLUBLE**  
7 **UNION GUARANTEED A REPUBLICAN FORM OF GOVERNMENT**

8  
9 **Texas v White 47 U.S. 700** discusses the term state in the  
10 opening paragraphs of the syllabus;

11  
12 "1. The word "State" sometimes describes a people or community  
13 or individuals united more or less closely in political  
14 relations, inhabiting temporarily or permanently the same  
15 country; often it denotes only the country, or territorial  
16 region, inhabited by such a community; not unfrequently, it  
17 is applied to the government under which the people live;  
18 at other times, it represents the combined idea of people,  
19 territory and government.

20 2. In the Constitution the term 'State' most frequently  
21 expresses the combined idea, just noticed, of people,  
22 territory, and government. A State, in the ordinary sense  
23 of the Constitution, is a political community of free  
24 citizens, occupying a territory of defined boundaries and  
25 organized under a government sanctioned and limited by a  
26 written constitution, and established by consent of the  
27 governed.

1 3. But the term is also used to express the idea of a people or  
2 political community, as distinguished from the government.  
3 In this sense, it is used in the clause which provides that  
4 the United States shall guarantee to every State in the  
5 Union a republican form of government, and shall protect  
6 each of them against invasion.

7 4. The Union of States never was a purely artificial and  
8 arbitrary relation. It began among the Colonies, and grew  
9 out of common origin, mutual sympathies, kindred  
10 principles, similar interests, and geographical relations.  
11 It was confirmed and strengthened by the necessities of  
12 war, and received definite form and character and sanction  
13 from the Articles of Confederation. By these, the Union was  
14 solemnly declared to 'be perpetual.' And, when these  
15 Articles were found to be inadequate to the exigencies of  
16 the country, the Constitution was ordained 'to form a more  
17 perfect Union.'

18 5. But the perpetuity and indissolubility of the Union by no  
19 means implies the loss of distinct and individual  
20 existence, or of the right of self-government by the State.  
21 On the contrary, it may be not unreasonably said that the  
22 preservation of the States and the maintenance of their  
23 governments are as much within the design and care of the  
24 Constitution as the preservation of the Union and the  
25 maintenance of the National Government. The Constitution,  
26 in all its provisions, looks to an indestructible Union  
27 composed of indestructible States." (emphasis added)

1 Defendant has exercised his secured political right to  
2 domicile in a state that is foreign to the jurisdiction of  
3 this State. Defendant's domicile is within the borders as  
4 stated in the 1849 Constitution of the State of California.  
5

6 This State, identified by its Constitution of 1879, is a  
7 State of the United States, has many locations and has  
8 debt. The Executive offices of this State are located at  
9 444 North Capitol St NW, Washington, District of Columbia  
10 20001 (See CA Commercial Code 9307 et al.)  
11

12 CA State exists by authority of the 14<sup>th</sup> Amendment; entered  
13 the Union by executive authority of the President; and is  
14 comprised of a People and Government but lacks defined  
15 boundaries and is limited in authority to the jurisdiction  
16 of the United States as it operates within all the several  
17 states (See 1879 California Constitution Article 3 Section  
18 2; Constitution of the United States of America, 10<sup>th</sup>  
19 Amendment and various other provisions).  
20

### 21 **A. There is a Diversity of Citizenship**

22

23 This court lacks in-personam jurisdiction as Defendant is a  
24 citizen of a state that is a foreign jurisdiction to this  
25 State and the United States. Defendant is a citizen of  
26 California identified by its Constitution ordained in 1849  
27 and is without the United States.  
28

1 Defendant's state was admitted into the Union by act of  
2 Congress, (See Compromise of 1850) is guaranteed a  
3 republican form of government (See Article IV Section IV  
4 Constitution of the United States of America), is presumed  
5 to exist and is presumed to have citizens of its own (See  
6 Texas v White 74 U.S. 700).

7  
8 The codes Defendant is alleged to have violated are  
9 applicable to residents and employees of this State. The  
10 prosecution has not provided evidence of employment or  
11 residency in this state and the only evidence the  
12 Prosecution has provided is a defective CA Judicial Council  
13 form which contains incorrect information.

14  
15 CA State, identified by its constitution adopted in 1879,  
16 is located in the District of Columbia, is a foreign  
17 jurisdiction to the Defendant's State (as the term 'state'  
18 is primarily used in the Federal Constitution) and is a  
19 foreign authority to Defendant's Domicile.

## 20 21 **CONCLUSION**

22  
23 This court lacks jurisdiction, the facts stated do not  
24 constitute a public offense, and the citation presented to  
25 the court does not comply with the rules set forth by the  
26 Judicial Council of California.

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1 The court should sustain defendant's demurrer and dismiss  
2 all charges without leave to amend.

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Respectfully submitted,

Dated this 6th day of June,  
2016

A handwritten signature in black ink, appearing to be "C. J. Smith", is written over a horizontal line.