

## **Great news!**

# **Freedom Law School wins the Appeal!!!**

Peyman has won the appeal of the traffic case where, in addition to the original ticket, he was charged on the day that he was scheduled to appear in court (and did appear), with "failure to appear in court!"

You are probably wondering how in the world can someone be charged for "failure to appear in court", for appearing on the same day that one was scheduled to appear in court and did appear in court!

Well, in reality it can not be done, but for the commissioner (a retired judge) who did it, it was actually an easy job. In law, they call it "falsely and maliciously indicting one for a crime" under **California Penal Code, Section 182(a)(2)**.

Right now, as I am writing this letter, a criminal complaint is before the presiding judge of the Appellate Division of Orange County Superior Court against this commissioner and a Municipal Court judge who has joined this commissioner in furthering this crime and covering it up by violating more crimes, like removing critical and sensitive documents from court records.

I told the presiding judge that I am taking bets against my native Californian friends that he will take the initiative from me in referring this commissioner and judge for disciplinary action and criminal prosecution to the appropriate authorities. I am accepting bets right now from any bidders!

This reversal of conviction (copy in this mailer) is a start. Notice how the appellate judges avoided all the key issues of appeal by reversing on the sole ground that I did not agree to trial by a pro tem (temporary) judge.

That is O.K. by me. Did you know that **no one in California** had a case reversed on appeal because he did not consent to trial by a pro tem judge, and have his case **published** in the official reports of State's court decisions?

I have requested that this case be published in the official reports, **so that everyone out there can use it in their defense**. I will keep you informed of this case, and the status of the criminal charges against these corrupt officials.

After the tax season (through April), I will come to selected cities and show you the **step by step procedures** you need to follow to bring criminal

charges against judges or other officials who commit criminal acts (and make them stick.) I will bring sample of the paperwork that I used in my case to show you how **you can do it, too.**

I will also bring **Dave Wellington** from New Mexico, who along with Shawn, is doing some of the most **groundbreaking breakthroughs in stopping and removing IRS levies**, to do an **advanced**, how to, step by step seminar for you on removing IRS levies.

These seminars will be advanced get down to the details kind of workshops, **only** for those of you who are **totally committed** to living a free life under a law abiding government!!!

Meanwhile, you would be smart to do 2 things:

1) Come to the upcoming seminars at which Shawn O'Connor will be speaking. **Shawn** is a low key guy and not one to blow his own horn. But let me tell you he is really good. He is **THE authority** in America on handling the FTB, and his incredible record of IRS victories speaks for itself. Be sure to copy the seminar flyers to give to friends, and **personally bring at least 2 of your friends with you.**

2) Get prepared for advanced seminars by taking Freedom Law School's "A Practical Road To Freedom". You simply won't have the basic requisite knowledge of law necessary to understand and utilize the information in these advanced seminars without having had the knowledge contained in "A Practical Road To Freedom". There are people who have attended the classes who have studied for years in the "Patriot Movement" and still expressed their hapiness and excitement that they had come. Remember **you have to learn how to crawl and walk before you learn how to run.**

To take the fear out of "I wonder if this course is really good!", I have and will always continue to offer F.L.S. tapes, seminars and classes (on tape or live) with an unconditional money back guarantee. If K-Mart, Sears and Wal Mart stand behind their products, I will too. **Get the "Practical Road To Freedom" on audio tape if you live over 70 miles from Tustin and let's get on with living an incredible life of success and happiness IN FREEDOM NOW!!!**

Yours in FREEDOM: Peyman

p.s. Don't miss out on the Bill Drexler's seminars throughout California. Bill's # is (619)458-5984. He is one of the very best on the IRS. Be sure to tune in to Irwin Schiff, Sunday nights between 10pm to 12am on 840 AM.

*"Seek the truth, and the truth shall set you free."*

**FILED**  
ORANGE COUNTY SUPERIOR COURT  
DEC 24 1996  
ALAN SLATER, Executive Officer/Clerk  
*Yurba*  
BY M. BALDI

APPELLATE DEPARTMENT  
SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF ORANGE

THE PEOPLE OF THE STATE OF CALIFORNIA,	)	CASE NO. AP-10083
	)	
Plaintiff and Respondent,	)	JUDGMENT ON APPEAL
	)	from the
vs.	)	MUNICIPAL COURT
	)	of the
PEYMAN MOTTAHEDEH,	)	CENTRAL ORANGE COUNTY
	)	JUDICIAL DISTRICT
	)	
Defendant and Appellant.	)	HON. PATRICK McNEAL
	)	JUDGE PRO TEM

This judgment must be reversed because the settled statement establishes that Patrick McNeal acted as a temporary judge in the absence of the stipulation required by Article VI, §21 of the California Constitution and, thus, did not have authority to adjudicate any of the charges against Appellant Peyman Mottahedeh.

According to the settled statement, which was certified by Judge Laird as a "true and correct statement of the proceedings had in the above-entitled action," appellant did not stipulate to have his case heard and decided by a temporary judge. The docket does state that the stipulation and order appointing Judge Pro Tem McNeal was signed and filed; however, it is not in the record on appeal that was transmitted to this court.

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1 Pursuant to Article VI, §21 of the California Constitution:

2 On stipulation of the parties litigant the court may  
3 order a cause to be tried by a temporary judge who is a  
4 member of the State Bar, sworn and empowered to act until  
5 final determination of the cause.

6 California Rules of Court, rule 532, provides, in pertinent  
7 part, that:

8 (a) The stipulation of the parties that a case may be  
9 tried by a temporary judge shall be in writing and shall  
10 state the name and office address of the member of the  
11 State Bar agreed upon. It shall be submitted for  
12 approval to the presiding judge or to the supervising  
13 judge of a branch court.

14 (b) The order designating the temporary judge shall be  
15 endorsed upon the stipulation, which shall then be filed.  
16 The temporary judge shall take and subscribe the oath of  
17 office, which shall be attached to the stipulation and  
18 order of designation, and the case shall then be assigned  
19 to the temporary judge for trial. After the oath is  
20 filed, the temporary judge may proceed with the hearing,  
21 trial, and determination of the case.

22 As stated in In re Horton (1991) 54 Cal.3d 82, 90:

23 The jurisdiction of a court commissioner, or any other  
24 temporary judge, to try a cause derives from the parties'  
25 stipulation. (Citation.)


26 A stipulation of the parties is "constitutionally required for  
27 one not occupying the office of judge to act as a temporary judge"  
28 and, in the absence of such a stipulation, an order revoking  
probation made by a commissioner is void [People v Tijerina (1969)  
1 Cal.3d 41, 48-49].

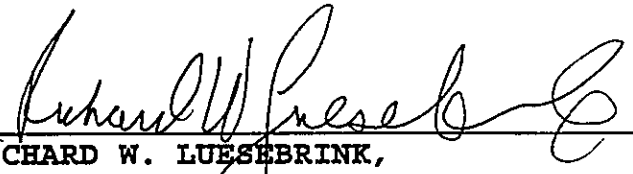
29 There is authority for the proposition that an implied  
30 stipulation can be found where the officer acting as a temporary  
31 judge was a court commissioner or referee and where it is clear  
32 that the parties were aware at the time that the officer was not a  
33 judge and did not object [In re Horton, supra, 54 Cal.3d at 91-92].  
34 However, Judge Pro Tem McNeal is not a court commissioner or

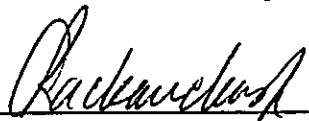
1 referee and, again according to the certified settled statement,  
2 his status as a member of the bar acting as a temporary judge was  
3 not made clear to appellant.

4 Since we have concluded that Judge Pro Tem McNeal was not  
5 authorized to adjudicate the charges against appellant, it is  
6 unnecessary to reach appellant's other contentions.

7 The judgment is reversed.

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TULLY H. SEYMOUR, Presiding Judge

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13 RICHARD W. LUESEBRINK, Judge

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15   
16 ANTHONY J. RACKAUCKAS, JR. Judge