

IN THE SUPREME COURT OF ILLINOIS
Supreme court building 200 E. Capital Springfield IL 62701

dated 1/ 31/11

James Frank Osterbur	)	Appellate court 4 th district
2191 county road 2500 E.	)	Gen no 4-10-0679
St. Joseph IL 61873	)	Judges: Sue E Myerscough
www.justtalking3	)	M. Carol Pope
	)	Thomas R. Appleton
	)	Champaign Circuit court
Provena Covenant Medical	)	6 th judicial circuit
1400 W. Park	)	Case no 09-LM-1414
Urbana IL 61873	)	Thomas J. Difanis presiding
	)	Judge

Petition for leave to appeal

Pursuant to THE ILLINOIS CONSTITUTION
there is no room for denial.

The appellate court having dismissed this case without cause! “The whim of a judge is NOT enough”/ the reality of law MUST be imposed as the will of this people upon the decisions called justice by the court. The law is not a game/ the judiciary is NOT our “ruler”. They are employees hired to obey and enforce, the law

Prove the law!

THE ILLINOIS CONSTITUTION, “our government for this state” READS

THE ILLINOIS PREAMBLE INCLUDES, AS THE DIRECTIONS OF
VALUE PROVIDED TO EACH EMPLOYEE, that they may know their
job:”.... eliminate poverty and inequality; assure legal,
social and economic justice;....”

ARTICLE I

BILL OF RIGHTS SECTION 1. INHERENT AND INALIENABLE
RIGHTS All men are by nature free and independent and
have certain inherent and inalienable rights among which
are life, liberty and the pursuit of happiness. **To secure**

these rights and the protection of property, governments are instituted among men, deriving their just powers from the consent of the governed. (Source: Illinois

Constitution.) SECTION 2. DUE PROCESS AND EQUAL PROTECTION

No person shall be deprived of life, liberty or property without due process of law nor be denied the equal protection of the laws. (Source: Illinois Constitution.)

SECTION 5. RIGHT TO ASSEMBLE AND PETITION The people have the right to assemble in a peaceable manner, to consult for the common good, to make known their opinions to their representatives and **to apply for redress of grievances. (Source: Illinois Constitution.)**

SECTION 6. SEARCHES, SEIZURES, PRIVACY AND INTERCEPTIONS The people shall have **the right to be secure** in their persons, houses, papers and other possessions against unreasonable searches, seizures

SECTION 16. EX POST FACTO LAWS AND IMPAIRING CONTRACTS No ex post facto law, or law impairing the obligation of contracts or making an irrevocable grant of special privileges or immunities, shall be passed. (Source: Illinois Constitution.)

SECTION 23. FUNDAMENTAL PRINCIPLES A frequent recurrence to the fundamental principles of civil government is necessary to preserve the blessings of liberty. These blessings cannot endure unless the people recognize their corresponding individual obligations and responsibilities. (Source: Illinois Constitution.)

SECTION 4 SUPREME COURT JURISDICTION (c) Appeals from the Appellate Court to the Supreme Court **are a matter of right if a question under the Constitution of the United States or of this State arises** for the first time in and as a result of the action of the Appellate Court,

SECTION 3. OATH OR AFFIRMATION OF OFFICE Each prospective holder of a State office or other State position created by this Constitution, before taking office, shall take and subscribe to the following oath or affirmation: **"I do solemnly swear (affirm) that I will support the Constitution of the United States, and the Constitution of the State of Illinois,** and that I will

faithfully discharge the duties of the office of to the best of my ability." (Source: Illinois Constitution.)

SECTION 4. SOVEREIGN IMMUNITY ABOLISHED Except as the General Assembly may provide by law, sovereign immunity in this State is abolished. (Source: Illinois Constitution.)

The question presented

The elemental truth of a court case as is presented above searches within the meanings of REDRESS OF GRIEVANCES, both state and nation to discover the foundation of democracy exists within our right to defend ourselves! **That right is exercised through our relationship with redress of grievances as is the law of this state and nation. Ownership of that right, is NOT for the judiciary employees within our courts to deny.**

The court is bound by the constitution and is not allowed to interpret that text in any other way, than its true intent.

religion is banned from government/ thereby **"the word prayer is refused, from pleadings"**! *This assertion that you are "a god" is removed.* The reality you are an employee with a job to do, by serving the people through their own law is enforced.

the demand; for leave to appeal

Comes now, petitioner, James Frank Osterbur, pursuant to the IL constitution/ and the US constitution. I hereby respectfully petition this court for leave to appeal from the decision of the appellate court, 4th district. Their dismissal is without merit or warrant of the facts, and void of law.

Comes now, the force and authority of the people of this state of IL, and the nation called this United States of America/ in demanding their constitutional laws shall be upheld. No exceptions! The reality of ownership by WE THE PEOPLE is exercised in the form of trial to establish and contain the various evils that are represented by the need and business called healthcare for this our state and nation.

To create the foundation of a decision that is ours: namely WE HAVE RIGHTS TOO! The establishment of redress trial for the people of IL, or this nation is necessary; and becomes a LEGAL demand herein this case. The critical contention is financial, and what is then to be, the BALANCED discovery of FAIR PLAY AND REALISTIC EQUAL CARE FOR ALL. Throughout our interaction citizens, with

medicine and the work of medicine in this state or nation.

Judgment below

The appellate court in their order dated 1/ 26/ 11: states that on the 17th of December 2010, the final judgment was entered. Case dismissed. Their assertion, a clerk is entitled to the following statement of dismissal: “I have today issued the mandate of this court in the above entitled cause, pursuant to the provisions of supreme court rule 368.” Carla Bender. Without the signature of a judge. I complain that signature is the law/ they do continue to refuse.

Argument

I have called for redress of grievances according to the first amendment/ section 5 of this state called Illinois constitution. The law that governs our state and nation. Regardless of position an employee of the court CANNOT refuse these laws, or deny their existence. That is a criminal contempt, and within a courtroom of this state, it is fraud/ the distinction of a criminal felony established against me: by the refusal of my right to DUE PROCESS a guaranteed legal citizens right both in this state and in this nation! It is a criminal felony due to the legitimate truth: this guaranteed citizen right: is “a value to me, that is priceless”. Thereby the intent to steal and deny what is clearly my/ our guaranteed right: is criminal treason against the people of this state and nation due to the truth. IT IS WE THE PEOPLE, AND OUR LAW, OUR GOVERNMENT: that you have not only refused, and illegally withheld. But this conceives of conspiracy and collusion with the other two judges within the lower court: and previous cases involving this appellant. Proving the combined effort to remove from me the protections of OUR LAW, and consequently, to each and every citizen. You have committed treason. The intentional take over of our government; of our right to live and breathe as a democracy! Is a “murder” of our most sacred promise as a nation: that we shall find our resolution to strife and conflict within the law. By obtaining true democracy through WE THE PEOPLE according to the legal right of redress: the accounting demanded, the ability and truth of ownership established, by our control of our government operations. These judges FAILED, our democracy! An illegal act/ an outright rebellion against the oath of office they gave of themselves: to obtain their job. It is a job for we the people, you obtain/ NOT a right to rule!

Added within the ranks of this dismissal **is the refusal to provide to me a jury according to the 7th amendment** to the US constitution. These refused to provide me with DUE PROCESS, *the 14th amendment*. Due process includes the law, which denies me; not a whim or single clerks letter “dismissed”. **This dismissal is illegal, without the law which supports it as their right to establish on my life. The law rules/ NOT the judge.** Our relationship to the courtroom as citizens in need of relief from those who seek to oppress and contain us as slaves for their own purposes; rather than our truths as a nation or state. Is illegal. I am refused a jury. Added is the **refusal of protection offered to me** by the *4th amendment*: the assertion being that in a contractual agreement: **“I DO have the right to expect the billing that I had agreed to”!** Instead I am abandoned to whatever the defendant, and their lawyer asks. I DO HAVE A RIGHT TO THE LAW/ not the whim of a judge. Without that law, the courtroom is merely the exercise of extortion. **I DO have the right to expect** that my money, and or possessions shall NOT simply be handed over to anyone: WITHOUT MY DAY IN COURT. As has been done! Unless the law proves me wrong. I have a right to a jury, that cannot be denied! These judiciary **are NOT rulers over me**, having the authority to do whatever they please. **They are employees** required to do their job as we have hired, and paid them to do. AS THEY GAVE OATH, to obey the constitutional decrees of this state and nation: which they have refused! There is NO AUTHORITY in this land, that precludes or denies the law shall be applied equally. That means these actions are proven to be traitorous; because the judiciary which demands and applied them: KNOW, IT IS THE LAW THAT DECIDES, not the judge. **Prove me wrong: BY LAW!**

We the people have rights. We the people are the owners here! We the people, ARE DUE, the foundation agreement of our democracy which is redress: The call upon our employees, to give account of themselves, and prove they have done their job as required by the contract we have formed and provided to them within an understanding called: **YOUR SWORN OATH.** It was not a game: **without that oath and its consequences/ YOU HAVE NO JOB.** The judiciary have thereby been acting illegally; pretending to be the law/ rather than a judge, for which you are not entitled to do. Because you refuse to honor and duty of the oath that lets you assume the position, of authority. You the judiciary, thereby failed this state, this nation, this people, and me! There are penalties involved.

CONCLUSION

The absolute failure of the judiciary, in all respects: with regard to

constitutional guaranteed law; as is redress of grievances. Establishes contempt for the law, denial of the right for due process guaranteed to me, and a jury lost. The fraud, created by the denial of an oath/ IS the theft of our democracy. **THIS IS OUR LAW**, our ability to provide ourselves with proof of ownership as we the people of this state and nation. Thereby it is treason; the deliberate attempt to overthrow this people by consuming or destroying their inalienable right of democracy: **PROOF** of ownership. As is the demand of accountability or change in society or the means or methods of governing.

Institute redress within the courtroom of this state of IL is my demand! And provide me with all that is necessary to let these people within the state of IL achieve their constitutional right and decision, presented to their representatives as a jury, in trial: yes or no, we do/ or we do not speaking for the rest demand redress in these matters.

It is my right to ask them/ it is their right to decide/ it is the courts responsibility: **TO OBEY THE LAW, AND HONOR THIS PEOPLE WITH TRUTH:** they are the rulers, under constitutional law. To this date, the judiciary both “great and small” have failed in absolute terms. Which means the investigation of collusion/ conspiracy/ contempt/ and foundations called open rebellion against the people of **ILLINOIS** begins here!

YOU, the judiciary: **ARE NOT** immune from the law. **YOU ARE NOT** immune from your oath. *YOU ARE NOT entitled to “lifetime jobs, in this state or nation”/ there are no constitutional foundations for this.* **YOU ARE NOT** immune from the penalties for rebellion against our democracy. You are employees, and must now give account to we the people who gave or allowed to you: this job, to protect and defend our lives/ our future/ and our state and nation. **YOU ARE GUILTY OF BREAKING THE LAW!** Redress is not a game, it is the law that governs our state and nation. That means criminal aspects in reality exist.

YOU ARE: just like us, equal, as citizens/ not rulers, not gods, not better or worse. A citizen is created by and entitled with grants and **RESPONSIBILITIES** established by the constitution which is **OUR GOVERNMENT**, by state and nation. Same as me! Diploma be damned/ **JUSTICE** doesn't care: **because RIGHTS, LAW, and fair play decide.** Not you or me.

The question presented:

DO, WE THE PEOPLE, have a voice: an authority to determine and design our society, and our governance under the legal parameters of the constitution; both state and nation! The correct answer is: YES, WE DO.

THE DEMAND ESTABLISHED:

Our authority as a people in democracy is: that we do have the right to change/ right to alter the status quo/ right to decide what is fair play or equal treatment as is prescribed by the intent of justice for all.

The elemental demand to eliminate poverty and inequality, cannot be conceived without the right to establish what is fair. Thereby balanced between needs, work, and human right or value. The composition of money is time, work, sacrifice (for you/ not me, beyond my reward owed), and ability. It is the same for all/ regardless of the numbers we are paid. Therefore because OUR LIVES ARE EQUAL/ the debts we receive in terms of healthcare must be equal as well. That leaves us with a percentage of income and holdings/ in accordance with the facts: is same for all. Ten percent of income for a person in poverty/ is the same as ten percent of income, etc for a so called billionaire. Don't want to pay/ go ahead and die. But if you leave this nation for healthcare/ we will take double or more.

Social, legal, and economic justice are elements of the relationship we share with our government. Or more simply: as owners, those whom we fire from their jobs/ are fired. There are no employees who can say otherwise. We work for ourselves/ but you work for us as employees of this state or nation. That means the social changes we demand shall exist. That means the legal requirements, by our constitution; placed upon you and us, shall be carried out. That means the challenges to those who have proven "TOO GREEDY", and do extort from us more than they have a right: SHALL be called to account/ so that what is true, fair, and respectful to our reality can, and shall: govern our lives. NOT YOU, the employee/ but we, the people. With our law!

CONCLUSION

A judge/ every judge is, a servant of this people! A judge/ every judge is, constrained to obey and serve the law: without contempt for the people, or the disgrace of believing they are "rulers, over the people"! HOW DO YOU PLEAD? This is a "yes or no" question. This is a demand to prove what you believe is true.