

**In champaign county court, for the state of IL
PRESENTED IN COURT; this April 9, 2012**

James F. Osterbur

Vs

State of IL/ city of Gifford

case 2011 TR 022442

My counterclaim is:

that in comparison to the decisions and realities/ risks and threats established by “Leaders”: those in government/ business/ military/ and university entities, who have established the following threats against us all:

There should be: no charge can be carried against me.

Rather IT IS I, **“IT IS WE THE PEOPLE”**; who are threatened.

IT IS OUR VERY PLANET AND ITS ENTIRE NATURE THAT IS AT RISK! IT IS: the future of every child now facing extinction; THAT WE MUST BE RESPONSIBLE FOR.

Therefore I ask you the jury; abandon the game of rules, the arrogance of pride: and choose for this state and nation a reality of respect NEEDED, for us all to survive.

As a jury, you are called to hear: **WE SIMPLY CANNOT BE WRONG, about any of these threats/ because failure here, is death for a world.** Therefore an investigation into the facts/ the reality of risk/ the foundations upon which these gambles have been taken: and the performance of democracy itself as an action of we the people: **under our current constitutional law IS REQUIRED.**

Or more simply, YOU are instructed, to understand: **the constitution gives you the right as a representative of this people, in a court of law: to begin the process of redress, your reward for democracy.** With this stern warning in place. **FAIL to find the truth, regarding threats fully able to exterminate our very world/** and it CAN result in your own death, every death; even death of this world.

*Not because I say so: BUT BECAUSE THE EVIDENCE IS CLEAR, WE ARE THREATENED; THIS ENTIRE LIFE AND PLANET, with extinction!
The following exhibits will help you to understand.*

I tell you plainly DON'T simply believe me: **that is useless.**

rather LET THE TRUTH, AS BEST WE CAN; by the examination of evidence, the penalty of liars, the demand of democracy which is WE ARE THE OWNERS HERE. Prove, by the constitutional law, called redress: the call for an investigation & thereby a decision, "as we the people". IS NECESSARY!

To, Choose for ourselves, if LIFE OR DEATH for a planet or its nature, BY THE EVIDENCE OF THESE RISKS: is a gamble they may take with our everything. Every person, has a right and a responsibility to decide for themselves: it is our world, it is our lives; that is threatened.

Or in other words, I don't give a damn what you personally believe/ what is presented here is the realities we must all face; as is our coming and current truths. What we do with that information as a world, *decides if we all live or die.* You can be wrong/ but if you are, you will not survive. The evidence says, even this planet can be lost.

Several if not all these threats/ can cause our extinction, without the others. Choose for yourselves, if you will gamble, or accept the price that is being responsible to life itself: "to learn and understand, what is true". For this state and nation and these people as is the job of every jury. **That price is: LET TRUTH DECIDE/ want, is absolutely irrelevant. Simple as that.** Past the point of no return, there are NO second chances: we are dead/ not just me, "YOU, your child, your everything; too". As a jury presented with this information: YOU have no where to hide, or run away/ your decision for society; is required. It is your duty.

*The foundation of evidence and exhibits presented here, as is descriptive of my defense **that I AM/ WE ARE, threatened** by these organizations of people/ leaders; who now assert: let the rule condemn him. Has been previously initiated in this trial as filings, thereby warning to the prosecutor exists; in the court filing 1/10/12: that a countersuit, would take this course. Lack of preparation is your own fault. The court is reminded: even though I demanded for trial the evidence from the police ; of video and audio; and written transcription describing the event: **I am given nothing**, including no law by the prosecutor upon which he or she attempts to convict me. Therefore I have owed nothing further in return, you were warned; in advance.*

The foundation of this countersuit is NOT "BELIEVE whatever I say/ or write; to the jury"/ belief is irrelevant: let the truth decide. The need for

an investigation take precedence over what is not fully known, as best we can.

The exhibits and evidence presented here is not held to the requirements of legal evidence. BECAUSE this is a test of constitutional law: the demand of both state and federal constitutions, **that the people shall have their redress (accountability, the right to investigate and decide for themselves)** as they choose.

Therefore the exhibits are merely witnesses, presented on my behalf, for the purpose of this “my trial”: the claim, I am threatened instead of you. The penalty I ask: as evidence will prove, I am owed constitutional law. Rather than you, are owed power over me, by a damn rule; where no threat was involved.

Requirements for a witness in this regard; is limited to “the assertion of expertise, or reality”. Therefore a laptop and internet connection (\$1200.00 paid by me; **to quash, any assertion of delay!**) To review the exhibits, in this court; as they present themselves to the world. Available here and now, if required.

This countersuit: is about the presentation of grievances which threaten us all/ the proof, that next to the tiny infraction of a rule as is your claim of superiority: the demand to penalize me. The reality in contrast is: YOU TERRORIZE ME, you threaten me, you threaten my world, you allow to be risked “everything I value on earth”: you fail at every level of governing. Therefore **you, the governments of this state and nation, are to be HELD: within the purpose of the first US amendment which reads, “...or the right of the people peaceable to assemble, and to petition the government for a redress of grievances”.** **Further defined by the state of IL fifth guarantee:**
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.)

What greater cause for redress could there be!

The jury is called to grant: constitutional redress for this people. As our right/ as your penalty: the investigation called, “for the truth/ by the truth, the whole truth, and nothing but the truth; as best we can”. To prove or disprove: WE ARE THREATENED/ our lives are being gambled with, without our true consent.

*THESE REQUIREMENTS: OF THIS STATE OF IL FIFTH AMENDMENT/ AND THE US FIRST AMENDMENT AS WRITTEN AND GUARANTEED TO THIS PEOPLE, this UNITED STATES OF AMERICA; **Have been met! Our rights to call for redress, ARE distinguished and upheld, by our law. The contract we agreed, would be the foundation which unites us as one: (our state/ our nation) OUR DEMOCRACY, not theirs. Not hired to be rulers over us: rather our vote decides: as each citizen, for ourselves. **Not for someone to vote for me, but my vote for myself, on what issues/ rights/ laws/ etc, are most important to us all!** THAT is called democracy! The demand: **YOU SHALL NOT gamble** with my life, my world, my nature, or anything else that is a risk to our reality as LIFE ON THIS PLANET. Without our direct approval as a nation or world.***

The cause, to be granted here: is investigation/ examination/ and the critical inspection for truth, the whole truth, and nothing but the truth: in and of all that is presented at trial, AS THESE ARE THREATS, A RISK TO OUR VERY LIVES AND WORLD: to be decided: by redress trial, the people themselves, in judgment over our employees/ over ourselves, our nation, our state, and our world..

That is the law/ the constitutional right established: Within, this state and this nation: this trial, having assembled the people peaceably, as a jury to decide.. **NOW ESTABLISHES: I LEGALLY do petition this government called WE THE PEOPLE, to understand and make a decision for themselves.**

The question: if we will submit to this potential tragedy, these threats described, that CAN commit upon our future, to extermination/ our lives, our nature, even our planet taken from us: without our consent.

OR do we TAKE BACK OUR NATION/ OUR STATE, by investigating/ examining the truth/ and deciding our fate for ourselves. Instead of letting those who do threaten our lives, our government, and our future: risk everything upon their own whim, their lies and failure? It's a choice!

IF the truth so describes and identifies: **we simply cannot be wrong, about all this risk/ all these potential threats.** The rule of law is: everything so described STOPS, by court order: until we the people have made our decision by investigation and its truth.

By the rule of democracy under constitutional law, we shall establish: That our choice, for redress of grievances; **begins with this jury/ by your**

decision. Our authority as we the people, will be determined by the reality, we choose: we demand to govern ourselves. Not by voting for someone to vote for me ON SUCH EXTREME ISSUES AS THESE. **But rather accepting the responsibility:** that we must inform ourselves, and make the decisions required to protect our lives, our government, and our future from those who have proven to be “insane”. To take back our lives, from those who have proven to be liars/ thieves/ and cheats, using propaganda to control, experts to deceive, and a diploma to steal/ threaten, and destroy. **Let the evidence of these exhibits prove the need!**

You, ARE NOT the jury of redress/ **YOU are the jury that decides,** if redress of grievances for this state/ or nation; shall go forward. *YOU decide, to call this state to trial, and to give this state the opportunity to call this nation to trial, searching for a better tomorrow,* "than these threats and their consequences"/ or not. That is your choice! You shall enforce your decision, by making the necessary demand: **THE LAW shall rule/** not the judge.

There is no place to hide or run away, from these threats: you the jury are drafted by the reality of this day, “to either defend/ participate as best you can/ or desert your duty”. That too: is your choice!

Realities established, from previous courtroom demands, for redress; I add these things.

The law identifies a bad faith argument, as willful failure to respond to plain and well understood statutory obligations 124F 2d 875, 883 . The foundation of this law is the fifth amendment of the US constitution: whereby I am guaranteed.....”nor be deprived of life, liberty, or property, without due process of law; ...” Due process is commonly given to add, in the fourteenth amendment:.....”nor deny to any person within its jurisdiction the equal protection of the laws”.

That does mean: any assertion that I cannot defend myself as expected, including the presentation of a counterclaim as my deliberate cause of action under 275 N.E. 2d 688, 690 or apply that fact to the plaintiffs claim that in some fashion I did present a threat or risk to the members of this society as in 16 F. R.D. 225, 227 would assume a criminal or negligent act charged against me. IS MEDIATED, by the facts of their own failure and intentional rebellion against our democracy, our society, and our lives; including my own.

Having found the court contentious and without merit, by denying the law: the Various suggestions that you should consider prior to such an action begins with these.

breach of contract failure to comply with a duty imposed by law, which is owed to another or to society 682 F. 2d. 883, 885 that duty already identified in prior cases was REDRESS OF GRIEVANCES, by both state and federal constitutionally guaranteed law. Now, “your turn to decide”.

breach of duty failure to perform a duty owed 56A. 498, 500

breach of trust 150 P 2d. 604648

breach of trust with fraudulent intent 31 SE 2d. 906, 907

the cause of action here is: I have been brought to this court, by those representing government/ they demand my property, and expect my obedience to their rule/ their claim of law/ and their assertion of equity as is the fine of \$120. An amount of money that in no way represents justice or fair play, under the truth, “that a penalty MUST BE established by the same consequences for all who receive it/ or it is unfair”. When it is money/ then the amount is determined by income: because anything less, is NOT equitable or equal treatment by society. Therefore an undeniable right to defend myself as I see fit. 254A. 2d. 824, 825.

civil rights act, regarding discrimination: assembles and identifies an undeniable right, to protect myself, to present my case: WITHOUT serious or severe retaliation/ without interference by a judge, unless the content or conduct, is outside the purpose of justice for society. My right to choose my defense, and present it: IS MINE, not yours. Society, by its representative police officer: who threatened me with his fears, by reaching for a gun; simply because I looked in a mirror. Targets me, with this case/ not you. But exists as a threat to all who come near that police officer, because fear uses little restraint, and less patience. Particularly when coupled with the intent of a predator, to steal/ by using the power and authority; of a rule. Rules make life a game/ a game gives pride to “the winner/ cause to hate for the loser”/ pride gives power its right, because arrogance knows not justice or fair play. The end result, for the price of your “easy way”/

war is inevitable: because there are always the people who want power, pride, and hate. Justice demands a cause, that proves freedom was unfair. That does not exist here.

civil liberties OWED to me here: as are the amendments, of the constitution GUARANTEEING OUR RIGHTS AS CITIZENS. They Are clear enough.

In contrast, whether in a courtroom or not: Coercion (the demand to take over/ and instruct me for your purposes, rather than my defense) is any form of compulsion or constraint which compels or induces a person to act otherwise than freely; the interference with a true and proper defense (as is his duty and choice to make himself: as is entitled, and guaranteed by law, to the defendant. Focuses on contempt as its beginning, to all who otherwise suggest or interfere, with “the right to present my own defense as I see fit/ my property/ my right/ not yours”.