

Illinois Appellate Court
201 w. Monroe st. Box 19206
Springfield IL 62794

Out of the CIRCUIT COURT, OF CHAMPAIGN COUNTY ILLINOIS;
located at 101 E. MAIN ST. URBANA IL 61801

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VS

STATE OF ILLINOIS
city of Gifford IL

The appeal of case 2011 TR 022442

DATED: 7/27/12

APPEAL # 4-12-0429

RE: CLERK OF THE COURT 7/24/12

From the law:

140 F. Supp 925, 928

SECTION 12. RIGHT TO REMEDY AND JUSTICE
Every person shall find a certain remedy in the laws for
all injuries and wrongs which he receives to his person,
privacy, property or reputation. **He shall obtain justice by**
law, freely, completely, and promptly.
(Source: Illinois Constitution.)

THAT FACT asserts: you have no right to charge me anything with regard to this
lawsuit/ and YOU must prove otherwise. It is constitutional law that governs/
NOT rules of the court.

ARGUMENT IS NOT necessary in this simple attempt to destroy constitutional rights, by eliciting; “A statement, he didn’t pay our price”. The only question raised is, WHY/ when the law is clear, and the assertion can only be interpreted as corruption? The answer returns as: collusion, the intentional demand to destroy the legal recourse of my appeal for JUSTICE/ FAIR PLAY/ THE RIGHTS AND GUARANTEES OF CONSTITUTIONAL LAW/ AND THE FOUNDATIONS OF DEMOCRACY, which include redress of grievances. 5 N.W. 2d 133, 137 ANY assertion, of any kind: that assumes as this court suggests **“the rights and realities of this society/ this democracy protected under law and guarantees can be extinguished by the suggestion of** “dismissed for failure to file record on appeal as required by rule 326”: is an attack on basic civil rights. This is a case of positive civil rights 252 N.E. 2d 463, 474. As it describes a distinct need and assertion that NO ONE, can gamble with our lives/ can risk life, body, planet, the future, the nation, and everything else: WITHOUT OUR CONSENT! WE the people, have a right to be involved/ to make a deliberate and timely decision regarding the truth of what happens when fools are wrong.

This is a legal case on civil liberties guaranteed by constitutional amendment, and fundamental democratic foundations: To suggest/ to take actions that are deliberate in nature, conceived by forethought and distinctly represent an attack on our constitution itself/ on this people and their democracy: in a direct effort to derail their laws/ their rights/ and their guarantees as democracy demands is a criminal intent. With apparent accomplices. This is an attempt, by this court; to destroy justice from this people. A statement deliberately conceived within the truth that you have the document in question in PDF from the court in question/ digitally sworn by the person who made that transcript of trial. You have the extortion presented to me by the circuit court, and failed to rule. You have the threats/ you have the failure of the judiciary at the supreme court to OBEY THE LAW; a fact that requires your intervention because you swore to protect both the federal and state constitutions “first”. The law does not differentiate by position or authority/ but by facts and evidence: the US supreme court and those representatives named as defendants who did in fact swear to obey and protect the constitution of this nation: BETRAYED US ALL. That is an offense called treason.325 U.S. 1, 3. The punishment for that is NOT less than 18 U.S.C. 2381. Your position as an appellate court is to review the law 339 P. 2d 398, 402. This case identifies a critical foundation of democracy/ a constitutional guaranteed right both state and federal in nature/ terrorists/ and failures in the courtroom, society, leadership, and the complete disregard and disrespect for a future:

thereby a direct attempt to assassinate every child, by taking what they need, and destroying it “just to prove you can”. Life is not a toy/ this case, the law involved, and the rights of this citizen are not a game. Deliberately Suggesting: those needs, those realities of justice and law/ can be destroyed by “rule 326” is an oppression of this people/ an abuse of both position and authority that describes “a confidence game”. To pretend that law shall rule/ whereas in fact, as has been identified in this case: the leadership of this state has already swindled our money/ stripped our future/ and enslaved us, for their own purpose of pension/ salary/ and benefits unto themselves 95 N.E. 2d 80, 83. I have trusted constitutional law, as the judiciary has sworn to uphold, pretending justice and democracy for this people/ prove I, and or we, have not been betrayed. It is democracy that is being stolen, with rules and those who believe they are rulers/ when in fact: “Merely employees”. The law rules, or there is anarchy. The law DOES NOT acknowledge procedural rules: it demands JUSTICE.

You have no authority before constitutional law/ it rules you!
Constitutional law and the foundations of justice/ rights/ and democracy rule this case.

Prove the evidence is wrong.

from the document

DATED: 6/ 23 / 12

APPEAL # 4-12-0429

a petition before the court

TO STOP THE EXTORTION, practiced within the Champaign County Courthouse. As is identified by the letter from “Linda S. Frank, circuit clerk” dated June 13, 2012

Wherein a demand is made for an additional processing fee of \$183.50 for them to mail you a copy of the transcript I have already paid \$475.00 “roughly” for. A transcript I hold a pdf copy of/ and a signed affidavit from the court stenographer

swearing it is this court case. Which I now do mail to you.

Extortion is quote: "the corrupt collection by a public official under color of office of an excessive or unauthorized fee. Or more distinctly it is the illegal taking of money by anyone who employs threats, or other illegal use of fear or coercion in order to obtain money, and whose conduct falls short of the threat to personal safety required for robbery. Penal code 223.4"

If I don't pay/ this case will be lost, and excessive fines shall without doubt be incurred/ further establishing corruption in the courts of this state of IL. You are to remove this demand for money from the champaign county courthouse. You are to establish a warrant for the arrest of whosoever is responsible, for this extortion: and demand from those you supervise, **A COURTROOM FOR JUSTICE, and a legal environment called FAIR PLAY in this county and this jurisdiction of the 6th circuit;** for WE THE PEOPLE/ as both the constitution and the people expect.

Or be found in contempt, yourselves.

from the document

DATED: 6/ 6 / 12

APPEAL # 4-12-0429

IN BRIEF:

LET JUSTICE RULE/ we the people, DEMAND FAIR PLAY AND FREEDOM: that, IS THE LAW!

Constitutional law rules all other definition, and all other purpose of law in Democracy/ thereby it is the "government". The sovereign entity that decides for the nation.

NO employee allowed.....

CONSTITUTION OF THE STATE OF ILLINOIS
(as amended to 1970)

PREAMBLE

We, the people of the State of Illinois - grateful to Almighty God for the civil, political and religious liberty which He has permitted us to enjoy and seeking His blessing upon our endeavors - in order to provide for the health, safety and welfare of the people; maintain a representative and orderly government; eliminate poverty and inequality; **assure legal, social and economic justice;** provide opportunity for the fullest development of the individual; **insure domestic tranquility; provide for the common defense; and secure the blessings of liberty to ourselves and our posterity** - do ordain and establish this Constitution for the State of Illinois.

As established the judge rules: "Justice and fair play are NOT allowed here".

ARTICLE I

BILL OF RIGHTS

Sec. 1. 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 institute among men, **deriving their just powers from the consent of the governed.**

As established, the jury has no opportunity to decide for society/ they are RULED. The inherent right to be within 95% compliance of a rule, where no threat is proven to exist: is fair. Has been denied.

Sec. 2. No person shall be deprived of life, liberty or property without due process of law nor be denied the equal protection of the laws.

I am "criminalized"/ I am harassed/ I am punished by excessive fine: I am set outside the boundaries of fair play and justice: to be ruled, for a tiny infraction of a traffic violation.

Sec. 3. The free exercise and enjoyment of religious profession and worship, without discrimination, shall forever be guaranteed, and **no person shall be**

denied any civil or political right, privilege or capacity, on account of his religious opinions; but the **liberty of conscience hereby secured** shall not be construed to dispense with oaths or affirmations, excuse acts of licentiousness, **or justify practices inconsistent with the peace and safety of the State.** No person shall be required to attend or support any ministry or place of worship against his consent, nor shall any preference by [probably should read "be"] given by law to any religious denomination or mode of worship.

While this is not a religious matter, the elemental proof of guaranteed freedom does apply. IT GRANTS, that I shall not be required to adhere to your concepts of "perfection under the law or rules of society" unless there is just and distinct cause that my freedom should be on trial. Responsibility is established by my own driving record/ and the reality of trial sustained. Even so, I will add; at the end.

Sec. 4. All persons may speak, write and publish freely, being responsible for the abuse of that liberty. In trials for libel, both civil and criminal, the truth, when published with good motives and for justifiable ends, shall be a sufficient defense.

I am confronted by a court, and a prosecutor which constructs a motion
THE COURT: All right. You had withdrawn the motion for psychiatric exam?

MS. SHARPLES-BROOKS: Yes, that's correct. YET IT IS NOT stricken from the record/ and remain as libel against me; in a public trial.

Sec. 5. 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.**

*I am before the court, peacefully assembled in legal trial, to consult with the jury for "THE COMMON GOOD"/ and to ask them for their opinions: granting by the record, that our very lives are at stake: demanding from the court redress of grievances. And am refused. The court further declares: redress has no place here, nor is it even considered by the court: **not even once.***

Sec. 6. The people shall have the **right to be secure in their persons, houses, papers and other possessions against unreasonable searches, seizures, invasions of privacy or interceptions of communications by eavesdropping devices or other means.** No warrant shall issue without probable cause, supported by affidavit particularly describing the place to be searched and the persons or things to be seized.

I am charged as a criminal, for a tiny infraction of a traffic rule/ I am charged an excessive fine/ I am stalked by a police officer/ I am threatened,!

Sec. 8. **In criminal prosecutions**, the accused shall have the right to appear and defend in person and by counsel; to demand the nature and cause of the accusation and have a copy thereof; to meet the witnesses face to face and to have process to compel the attendance of witnesses in his behalf; and to have a speedy public trial by an impartial jury of the county in which the offense is alleged to have been committed.

I am charged as a criminal! Where are my miranda rights/ where is my attorney provided for my defense/ where is my impartial jury, when a judge is allowed to prejudice them first. Where is JUSTICE?

Sec. 11. **All penalties shall be determined both according to the seriousness of the offense** and with the objective of restoring the offender to useful citizenship. No conviction shall work corruption of blood or forfeiture of estate. No person shall be transported out of the State for an offense committed within the State.

It is a lie to believe 95% compliance with a rule is not enough/ it is tyranny to fine excessively/ it is oppression to find yourself stalked by a police officer: "for the now alleged" purposes of a city that wants "someone else to pay".

Sec. 12. Every person shall find a certain remedy in the laws for all injuries and wrongs which he receives to his person, privacy, property or reputation. He shall obtain justice by law,
freely, completely, and promptly.

JUSTICE was removed from the courtroom/ FAIR PLAY banned from the courtroom/ REDRESS a first amendment law, and a fifth amendment demand of the constitution both state and nation: was treated with contempt in the demands of this case.

Sec. 13. The right of trial by jury as heretofore enjoyed shall re-main inviolate.

A jury denied the full knowledge and deliberate understanding of what is at stake for society itself, in this matter: has been denied its true authority. This trial, to be decided, by this jury, for the sake of this state, and its people: has been denied the opportunity to speak for this state and its people. That leaves us all directly under the supposed authority of a judge/ instead of constitutional law

itself. A rule has nothing to do with constitutional law, apart from the fact that it is the rule, that must comply with the law: not me, subject to the rule first. Rather the rule is subject to the purposes and demands of the constitution first, and only then can it be applied to me. The rule fails, as written/ the penalty fails society/ the purpose of a courtroom which is STRICTLY JUSTICE AND FAIR PLAY: is denied. The constitutional right of redress is found destroyed by judicial conspiracy (this just another example, as are the US supreme court cases presented). This state is in disarray/ and WE ARE, threatened for its very existence. TERRORISTS have FOUND, and I am refused democracy itself. Which is, WE THE PEOPLE shall decide, for ourselves. The elemental foundation of democracy: We are NOT RULED, we are owners with the authority to rule ourselves, and our government, by controlling our employees with redress! IS DENIED. There are traitors among us.

proof of service:

I, James F. Osterbur, do hereby declare and prove that I have sent in this day July 27, 2012 by first class US mail service/ with postage prepaid. A copy of this filing within the appellate court described above; and to **Illinois Appellate Court;**

FOURTH DISTRICT

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with this mailing I add: the petitions and memorandum from the US
supreme court trials; applied to this trial in the first filing.