

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

in the matter of Champaign county court 11TR22442  
coming out of the fourth district appellate court/ Springfield IL.  
This trial

**THE DEMAND FOR DOCKETING AND TRIAL.**

**Case 4-12-0429**

**Osterbur, James Frank V. City of Gifford/ State of IL**  
denied 8/ 14/ 12; By rule 326  
[www.trialoflife.info](http://www.trialoflife.info) [Www.justtalking3.info](http://Www.justtalking3.info)

DATED: 9/ 20/12

**THE APPEAL for JUSTICE/ THE REALITY OF CONSTITUTIONAL  
LAW/**

The petition at the IL supreme court

CLASS ACTION STATUS: **IS A REQUIREMENT OF “WE THE  
PEOPLE” IT IS, a foundation demand of democracy itself.**

**IN ANY LEGAL MATTER, THAT INVOLVES US ALL, as is LIFE  
AND DEMOCRACY ITSELF: particularly when a constitutional guarantee  
is denied, and treated with contempt.**

**When justice and fair play are ordered “removed from this trial”.**  
or, more simply these legal rights guaranteed by the constitution and sworn by  
judiciary: “we will obey”. To WE THE PEOPLE, as our law! AS IS  
constitutional law.  
**Is NOT discretionary/ nor is it controlled by a rule of the court!**

**This IL SUPREME court is hereby petitioned to identify and substantiate**  
the constitution of IL and this nation. RETURNING THIS CASE TO ITS  
RIGHTFUL LEGAL STATUS: as class action for we the people. The failure of  
this appellate court/ and its denial of democracy: its sworn oath refused; evidence

enough.

Where the foundation of this case looks directly at the corruption of the judiciary/ not only in the current case, but as a conglomerate of cases that extend OUR NEED as a people to bring the judiciary itself to trial: because we are denied redress of grievances/ a first amendment guarantee of the US CONSTITUTION. And a fifth amendment guarantee of this state called ILLINOIS. Not only denied to me/ but ridiculed, and removed from the courtroom with a claim (contempt, even to say the word redress; in front of this jury) by the judge in trial 11TR22442 Champaign county court.

## **RE: “THE APPELLATE COURT REMEMBERS”.**

The element called FRAUD is a fundamental deception fully intended to avoid the truth/ deny the truth/ degrade the truth/ or destroy the truth; so that whatever the foundation of failure actually is; it may remain hidden, or the victim may be enslaved in one form or the other. 310 F. 2d 262, 267.

The return order, from the appellate court fourth district of IL, is a clear and blatant attempt to misdirect, and thereby discard the IL supreme court case that appeals this verdict that they have “remembered”. While it is clear, through the moot actions/ or lack of actions that exist from the IL supreme court: not yet providing any information/ no case number/ no docketing or descriptions of any kind. The reality here is, a “remembered order” from the appellate court, is a concealment of the IL supreme court filing. It can only be misdirection in the hopes that I would simply “go away”; being intimidated by the appeals court. After all, are not most/ its called power: NOT democracy. 234 F. supp 201, 203.

I have come demanding of the IL supreme court that they must adhere to the constitution as written. I have contended in trial, that there are MANY THREATS which blatantly gamble with our lives. I have proven, that constitutional law, in particular called redress is not only abandoned by the judiciary; but exists in a conspiracy to deny this guaranteed legal right of democracy SHALL NOT exist. Thereby proving a traitorous action exists, and there is in fact anarchy in the court of this state and this nation. That is constructive legal fraud 38 Cal Rptr 148, 157 437 S. W. 2d 20, 28. I have come demanding constitutional review/ the rights and guarantees of each and every citizen in this democracy shall be granted. I have proven in trial, that 95% compliance with the law is not enough; you must be perfect/ so says the judge, and the IL attorney general office who did prosecute that very purpose. You are not rulers/ you are employees, who swore to obey the

constitution, and grant to the people their every guarantee. You swore to protect and defend this nation, this state, these people from every threat; and have done just the opposite. That is treason; or at a minimum aiding and abetting the enemy of democracy itself.

I have finished with the appellate court, and they know it/ therefore this renewal of an order that is frivolous, becomes a mockery of due process: THE RIGHT and guarantee to proceed to the IL supreme court under constitutional grants, as a citizen protected by the law that is “our government”. Because we the people are the government through our constitutional law. You have denied that, and now seek to reinstate that denial. What other purpose can there be, other than extrinsic fraud, wherein the demand to keep me from trial becomes more distinct 468 S. W. 2d 160, 163

Fraud in law consists of the assertion: that 95 % compliance with a irrelevant rule, in a situation that was clearly NON-threatening: is far beyond justice. The allowance of the word criminal court, IS far beyond “fair play”. The association of a tainted jury, which was not selected either by the prosecution or the defense but the judge: who were told distinctly that they could not decide for society, what was equitable or fair. But must decide if the rule was broken or not/ regardless of the penalty. They were told, the penalty has no bearing on their decision; 255 N.Y.S. 2d 608, 610/ their actual job, as was to protect society itself. By demanding: if this would not be fair to us/ then it is not fair to him. Based upon the actual situation, assigned and asserted by questions of truth in the police officers testimony; and his record: the assertion of equity in a penalty applied is found fraudulent and unjust. 225 N.E. 2d 813, 814; 109 N.W. 136, 138. Yet the appellate court desires to enforce, and mimic itself: claiming that constitutional law has no bearing either on this case, or in the pricing of what the constitution declares SHALL be free. The appellate court discounts redress as in the constitution of both state and nation, and applies FRAUD IN FACTUM; whereby I state as written in the constitution, and sworn by the judiciary that they would obey this law/ these words. The reality is they do play deaf, mute, and dumb. 5 S.E. 2d 138, 141.

The fraudulent conveyance of this entire judiciary is then on display; and attempting to discard DUE PROCESS under the law, both state and nation. That is fundamentally a betrayal of the people, of this state and nation. These rights and guarantees, provided by the constitution both state and nation; being fought for, ARE THE LAW/ they are not “discretionary”. The court knows it, throughout the system; and conspires against this people/ this state/ and this nation without regard for justice, rights, or law. That in and of itself, has every criminal connotation;

Prove it is not so.

The jurisdiction of constitutional law IS, fundamentally charged upon the judge, in every single court. But it is particularly strong in the IL supreme court/ or US supreme court; as these by law ARE: fundamentally governed by the constitution itself. While the other levels of court do have some discretion, “the supreme courts” do not. They MUST adhere/ it is their job, it is their oath, it is their duty above the rest. 147 P. 2d 759, 761.

Instead of that, the IL supreme court sends this case back to the appellate court in a mockery of due process, that intentionally expects will be enough to send me scurrying into hiding; it is not so. 114 P. 257, 258. At the end of your thirty day grace period to answer, docket, or demand: this is constructive contempt instead. The clear and deliberate purpose to say, “the law, the constitution, this democracy, our our authority as we the people who own this state and this nation: HAVE NO PLACE HERE”. THAT IS BETRAYAL, and it is clearly treason against this state called ILLINOIS. 249 S. 2d 127, 128. The fact that these courts have now joined in an attempt to use the lower court to deny my legal appeal/ to discard the law and dispose of this constitutional case, indicates criminal contempt 199 S.W. 2d 613, 614. The use of public owned and authorized courts, the reality of employees for this people (NOT RULERS); aligning against democracy, THE LAW; and this people. Every constitutional case is, “a class action suit”: BECAUSE IT AFFECTS US ALL; because it is the law by which we must all live.

I again demand: that constitutional law shall stand, for WE THE PEOPLE: or it shall be proven why not. Establish this class action constitutional case.

I demand: this appeal of case 4-12-0429 shall be docketed/ and shall go to trial as a case demanding REDRESS OF GRIEVANCES for the people; as declared/ as is their legal right. OR the clear legal description of why it is not, under both state and federal constitutional law. Because change is needed in the judiciary and all levels of employment: a clear accounting of what has or has not been done against or for this people is mandatory. As it is proven without doubt the governing officials: in this state called ILLINOIS. HAVE FAILED us all.

Let the people then decide for themselves, as is the purpose of redress. If they shall in fact accept this level of fraud, cursed with power and absolute arrogance: **or stand up for themselves, and do better.**

Let the people decide for themselves: IF THEIR LIVES/ THEIR FUTURE/ THEIR SOCIETY/ THEIR RIGHTS/ THEIR MONEY/ THEIR

NATURE AND EVEN THEIR PLANET; and everything else shall be gambled with. Or they themselves shall demand through redress; what is fair. As they themselves may add in during redress, whatever shall be tested for truth. Shall be defined by the evidence, and then judged as democracy itself (we the people) in charge of ourselves and our state as it is our authority, in true democracy to do that very thing. It is their right, by law; both state and nation.

Redress of grievances DOES MEAN, according to the law of UNITED STATES, first amendment constitutional rights: When it is clear that a problem need be addressed by the people (without doubt proven in this time)/ that we the people HAVE A LEGAL RIGHT, to assemble ourselves in the most peaceful process possible: which is jury trial. To determine as our own authority allows, whether this trouble/ these threats/ this attack on ourselves, our future, our democracy, our planet, our nature, our money, or other IS WORTH calling this state or this nation to trial. Trial is no small thing, it has consequences. Democracy is no small decision, IT MEANS “NO MORE EXCUSES” we the people are in charge/ and we must decide for ourselves, what our society, our lives, and our future shall be. To petition the government **which is the constitution of this state and this nation** to court means: our employees shall answer under oath and penalty of law, according to the grievances laid at their feet. The reality of failure or supposed failure that brings this redress to court. The constitution IS THE AUTHORITY/ because it is the law, that governs us all. Therefore by the words of that government, we the people: shall judge if our employees did or did not obey our law. IT IS, “OUR LEGAL RIGHT”! This is, governing: by WE THE PEOPLE, in democracy. Not for frivolous things, but there is nothing frivolous about mutilating all life/ there is nothing frivolous about bringing the same fire as is on the sun here to this earth (*where EVERYTHING is fuel, and we cannot put it out; so we die, if their theories are wrong*)/ there is nothing frivolous about being bankrupted by our employees/ there is nothing frivolous about being the most incarcerated people in the civilized world (a reality of rules, by which freedoms are taken away; as is the proof of this initiating case)/ there is nothing frivolous about the destruction of all resources, or chains in life **that we must and do absolutely depend upon for our very survival**/ there is nothing frivolous about weapons of mass destruction: AND MUCH MORE. We have been failed, “from all sides”. And we must address these issues of life or death or extermination from the planet or the mutilation of our very own bodies: by those who are SO DAMN INSANE, it is impossible to call them anything but “satan”. Not because it is a religious word/ but because the reality of destruction, the potential for damage to

life and planet is so extreme, “nothing else” can describe it. Failed/ diseased/ and dying IS the reality of this day. That requires trial, to **REBUILD FOR LIFE FIRST!**

That requires redress, because one citizen CANNOT decide or enforce these things: either we do this as a state or nation or world/ or we fail. There are NO SECOND CHANCES, from a pandemic that mutilates all life. There are NO SECOND CHANCES, from bringing a fire here we cannot control. There are NO second chances from the destruction of resources by which we all must survive or die. There are NO EXCUSES regarding money; as reality proves, it ain’t the money that keeps us alive as humanity. IT IS the resources and the LEGAL rights to be equal and demand fair play for all. WE ARE THE MONEY, it is our work, and our lives that create wealth, with the resources that make it possible. “That ain’t no paper”; it is reality.

**Not only can the court do these things/ YOU SWORE you would do these things and give the people their constitutional guaranteed rights and opportunities, as the law allows; both state and nation.**

**What is the penalty, for disobeying not only your oath/ but standing against democracy** itself? For denying ownership of this state and this nation: as WE THE PEOPLE! Answer the question/ or let the people decide for themselves. We are “millions, to one”

**proof of service:**

I, James F. Osterbur, do hereby declare and prove that I have sent in this day september 21, 2012 by first class US mail service/ with postage prepaid. A copy of this filing to the IL supreme court described above; **at Supreme court building 200 E. Capital Springfield IL 62701**

**to Illinois Appellate Court; FOURTH DISTRICT  
201 w. Monroe st. Box 19206 Springfield IL 62794**

**Champaign County courthouse 101 E. Main, Urbana IL 61801  
LISA MADIGAN STATE OF IL attorney general office 500 S. Second st. Springfield IL 62706**

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