

**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**

**JAMES FRANK OSTERBUR**  
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**[www.justtalking3.info](http://www.justtalking3.info) [www.trialoflife.info](http://www.trialoflife.info)**

**VS**

**STATE OF ILLINOIS**  
**city of Gifford IL**

***The appeal of case 2011 TR 022442***  
**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.**

THE COURT: This theory of re-dress you have  
is a distortion of the Constitution, that I believe is  
not accepted by general -- it's generally accepted  
interpretations by scholars of the US Constitution, and  
that's why I don't want to even hear the word re-dress  
addressed to this jury. You're trying to inject issues  
in here that appeal not only to class, but to political  
persuasion, to interpretations of the Constitution an  
law that are not well with-founded in prior doctrines  
of

either academia or Constitutional Law as interpreted by the courts. So I'm just not going to let you taint this record on this.

...get some other court to -- to rule on your side that these are viable justiciable claims,...

The reality, HOW PITIFUL is the cancer: that the courtroom has become, when the judiciary, must be told this simple fact, "the essence of a judicial sworn oath: justice/ peace/ equality/ fair play/ democracy/ and freedom", for each citizen & for all the people. ARE DENIED.

.....SO

everybody that gets a parking ticket is a criminal. That's not fair. I believe we need to address that as a society. Criminal -- what, you know criminal means, you know, it can be murder or a traffic ticket. That is not fair. Further, there are considerations to what is fair that we need to address.

MS. SHARPLES-BROOKS: Objection, your Honor, this is not relevant.

THE COURT: Objection sustained. Mr. Osterbur, Mr. Osterbur, you are to direct your testimony

to the facts as to what happened. If you believe that the statute is not written correctly, or consideration of fairness go into it, your route is to go to the legislature and try to convince them to re-write the statute. But we're dealing here today with whether or not you violated the statute as written.

The law as written under the constitution is plain: the preamble to the US constitution says it best. The foundation demand of every judge here, in this case is: *"....establish justice (was not allowed).... Insure domestic tranquillity (instead, anarchy against us all; by using force, prejudice, tampering with the purpose of law; to destroy fair play: potentially producing anger/ NOT peace, clearly not harmony for society).... provide for the common defense (instead perfection is demanded, NOT life in reality)..... promote the general welfare, and secure the blessings of liberty (which means, WHAT IS GOOD FOR SOCIETY rules, NOT you, and not irrelevant demands that 95% compliance to a rule is not "good enough". It is.*

The judge argues fair is not a consideration/ it literally does not matter in this trial. **The judge accuses**, me the citizen charged, for a tiny infraction of a traffic

ticket without the slightest testimony of "a threat in any way to anyone or thing": **MAKES ME A CRIMINAL**; and anyone else accused of the same. The judge says: **THIS IS** the intent of the legislature, the purpose of a signature by the governor.

In deciding this case you must not allow sympathy or prejudice to influence your verdict. Our system of law is based on the principle that a jury will decide the case on the law and on the evidence. This case is a case involving a traffic charge. So that you may better understand the nature and the purpose of the questions had which you will be asked by the court and by counsel touching upon your qualifications to sit as jurors in this cause, the court now advises you that this is a case on trial for an alleged violation of a criminal statute.

Traffic laws are a form of criminal statute.

DEFENDANT MR. OSTERBUR: Yes, I do. I'm arguing that justice is not simply the rule --

HOW BLATANTLY ARROGANT, and without RESPECT for we the people: **when a judge threatens with contempt**, the use or demand for, a guaranteed inherited right called the first amendment of the US constitution/ or the fifth amendment of the state of IL constitution. "Ignorance is no excuse"!

SPEAKER 3: My arguments for the threats, the direction that this trial would take, have been placed on -- in filings, particularly on January 10th, in this year, 2012. I think it's quite clear that I would be asking for re-dress --

THE COURT: Was it given a -- was it given a file number, or did you file it in this case?

THE COURT: Did you file your counter suit as a separate case number?

SPEAKER 3: I did not.

THE COURT: Where did you file it?

SPEAKER 3: This is simply the trial filings that were presented to the court and have already been placed. This countersuit, the very named countersuit, has not been used until this time. But the event, or the purpose of a countersuit is clear throughout the filings that I made, and the direction that that trial

would take are clear in those filings....  
....SPEAKER 3: Will this note be taken as  
evidence to the case, or will it be --  
THE COURT: I -- what I will do, it's not  
going to be considered as evidence, but because we're  
making a record, I have to include this with the file  
so  
that be in the event there was an appeal taken,

The elemental reality of Democracy is FREEDOM! The elemental truth of  
Democracy is LIBERTY: THE RIGHT to decide what is in our best interest as a  
society. That right is protected by a jury: who then decides for society, by  
understanding ALL THE FACTS, and ALL THE CONSEQUENCES for a litigant:  
as society would apply to their own lives. NOT the rule/ but the reality of how  
WE THE PEOPLE, are going to live together under our constitutional agreement  
to be one people. That was stripped from me/ that was prejudiced against me/ I  
was denied: the FAIR and DELIBERATE interrogation or selection of a jury.  
Because the judge declared himself to be "the only voice that mattered". In direct  
rebellion against the very purpose that a jury represents: TO DECIDE AS  
SOCIETY, what is fair for us all.

SPEAKER 3: Where would I find what would be  
considered the correct meaning, or purpose, or  
definition of re-dress? Where might I find that in the  
(inaudible)?

THE COURT: Well, frankly, I hate to give  
you a flip answer, but I think that it would be -- I  
would -- frankly where I would start would be to look  
at some of the research that's been done, the books  
that  
have been published on interpretation of the  
declaration  
of independence, and the Constitution. That would  
probably be best found in -- at the University library.  
And --

SPEAKER 3: Not unless it's considered a  
legal argument, it had has no value. So --

THE COURT: Pardon?

SPEAKER 3: Unless it's considered to be a  
legal argument, it has no value, where would I find a  
document that specifically, legally declares what

re-dress grievances is, so that my mind might be completely -- completely settled on this matter?

THE COURT: I don't know that you'll find it in a single document. That's why I'm saying you kind of have to read for background, in reading all these various interpretations of the Constitution the scholars

have written on. Some of those scholars will be legal scholars, and then you'll have to put an argument in effect. Now there also will be case law from predominantly the Supreme Court of the United States that may or may not have addressed this issue. But --

SPEAKER 3: I have looked for case law on re-dress of grievances, the First Amendment law, and have found no cases.

THE COURT: That's -- I'm not too surprised that you haven't, because there's some concepts that have not really been litigated.

SPEAKER 3: They should be.

THE COURT: Well, you may be the first then.

SPEAKER 3: Not unless I can find a courtroom that will address it.

THE COURT: Well, if you do it properly, you'll eventually be able to get a court to consider your arguments. SPEAKER 3: Actually, that's not --

THE COURT: Whether they will agree with you, that's something else. But we -- it's just not here. And in interpreting Constitutional Law an argument is best made that can be supported by citations

to authority, whether this be citations to the portions of the Federalist Papers, or prior case law, or both, or

speeches that learned people have given.

SPEAKER 3: I have in fact done that.

THE COURT: That's all things that will be considered. This is really getting afield, so I'm not going to discuss these any more with you.

(Judge)...It's a charge you violated the Vehicle Code of the state of Illinois. Now overall, the Vehicle Code may have its purpose, protecting the citizens of this state and other persons

on or about the highways. However, they are not saying that what you did is a specific threat to those people....

.....I think I can safely say that it would appear probably it was not properly filed to even raise the issue of whether it's on file. Because you just don't simply file countersuits in a traffic case. So that's why I suspect it was not ever addressed by the state's attorney's office.

As I say, I'm not going to allow you to give one of these booklets or any part thereof, or any portion of it, to the jury. Now I will address everyone's attention to, about a third of the way through, there is a set of four pages, pages one through

four, that start out: "Jury Selection Questions." Basically it starts, "Even though I do not get to select

the jury, the reality is that you should be aware of what is expected of you." And then it's got Jury Selection Questions I believe that every one of these is

directed in some way or another to an interpretation of constitutional law, or to a perception of whether there is the threat that Mr. Osterbur has referred to in his counterclaim. I am not going to give this to the jury.

I am not going to allow Mr. Osterbur to ask these questions to the jury, the potential jurors....

.....I'm denying you the right to give these questions to the

jury. I'm denying you the right to give this booklet, this loose-leafed binder, or any parts of it to the jury

are. It introduces totally irrelevant arguments here, some of which are clearly directed to inflame the passion and prejudice of the jury, some of which are directed to discussions of political matters, and it's just not going -- you're not going to be allowed to taint this jury pool by doing this.

As we look to the truth about what the notebook in question reveals/ there is nothing political about informing the people themselves, as to threats of extinction, regarding their very lives/ the financial stealing of employees hired to protect us, or any other matter represented therein.

The critical juncture between freedom and society is: That I SHALL NOT, be interfered with/ UNLESS I SUBSTANTIALLY THREATEN, property, life, or in some distinct method expressed by decision. ONLY when that decision creates a situation that gambles with the life or livelihood of others, risked this environment beyond repair, or has rebelled against the sanctity of Democratic rule: “WE THE PEOPLE DECIDE/ WE THE PEOPLE, establish equality, by proving what happens to one/ must then be applied to all”! Can freedom be tampered with.

There are NO excuses; for people made examples of/ no punishment exists in Democracy, where all do not receive the same. Based upon what society believes by its jury (*NOT its representatives or employees*) is fair. We the people hold the keys, even if an employee writes the rule. In this trial appealed, it is well known: people do not convict themselves, “for being 95% compliant with the rule”. Nor do they choose for themselves, extreme fines. Nor do they believe “let the rich man go free/ but make a slave of the poor”. Which can then only mean: the jury was in fear/ controlled by the only voice they heard, establishing and commanding this jury cannot vote for society or freedom or rights: only the rule. Without courage, because of that fear, they did. That is prejudicial by a judge. That is oppression, to take my jury away/ by controlling access and the fundamental right to interrogate them myself! I am allowed nothing, but to let the judge decide everything; with this jury.

I therefore demand: ALL who have been convicted, of less than a felony by the same definitions of a jury tampered with/ shall be released. Their fines returned. I do further demand: **The same level of financial punishment for all who are convicted. A percentage of your income/ THEN we are equal, under the law.**

Anything less is tyranny.

SPEAKER 3: I still believe that it's important for the public to know. I believe that it's relevant to the case, and I do intend to bring up the issue that a 120 dollar fine for a, walking through a stop sign at one mile an hour is excessive, and I believe that that should be addressed on the -- by a re-dress of court, that would allow a -- some more realistic punishment for any crime, for any pay crime such as this, to me. It's not fair when somebody makes a million dollars a year, a 120 dollar fine to them is, is nothing. It is a very big thing if a defendant who makes \$5,000 a year, and you charge him 120 dollars for the same thing.

THE COURT: Well, I'm not going to allow you to address the argument that the fine is any particular amount to the jury. The jury's not going to be told how much the fine is....

....And I would argue that there are any number of issues here, including the fact that the ticket is one price, and I come to court and the judge tells me that not only can I be responsible for court costs, I can be responsible for --

MS. SHARPLES-BROOKS: Objection, your Honor.

THE COURT: First of all, you don't correctly state what I said. But on top of that, it is irrelevant to the issues of guilt or innocence. You are again arguing penalty. I've directed you not to do that.

DEFENDANT MR. OSTERBUR: I'm arguing justice.

THE COURT: **Well, you're still arguing justice of the penalty.** That is not -- it is the function of the court to set the penalty, not the jury. You don't address arguments in respect to that for the jury.

DEFENDANT MR. OSTERBUR: Oh, all right.

THE COURT: And I'm going to tell you again not to do it.

DEFENDANT MR. OSTERBUR: I'll try to avoid it.

THE COURT: I suggest you avoid it, because I do have contempt powers.

DEFENDANT MR. OSTERBUR: I understand.

So the issue is **that I'm looking for justice.** So that's all, it's a criminal designation to the trial. I'm believing that that is excessive. I assume that's okay, that the criminal --

THE COURT: Oh, I'll let you argue that.

DEFENDANT MR. OSTERBUR: I call it a threat that's -- they call it a threat, you know, if you call somebody a criminal, it is assumed to be a threat to society. I'm not a threat to society, I've never been a threat to society. I believe that there should be recognition to what is or is not threatening to society. And if it is not threatening behavior, if you're not a risk to society, if it doesn't damage anybody, and if it's clearly not a -- not a harm to society, then -- **then there is no -- there is no**



**particular cause for a penalty.** Or, at least a penalty -- well, I have to leave that alone. So I guess that will be that.

The elemental truth of a courtroom that has set a trap for the litigant, proves a predator within the court/ behind the bench. The critical reality of being made aware of excess fines to be added on. The critical reality of knowledge and forewarning regarding traps, IS REQUIRED for justice.

MS. SHARPLES-BROOKS: I have one last matter, your Honor. In the past four pro se trials you have asked that we type out questions that we want to be

asked, and not ask questions ourself, and I have prepared questions for you.

THE COURT: All right. Do you have a list of questions you want me to ask the jury, Mr. Osterbur, other than the one document that you said that was four pages long?

SPEAKER 3: I do not.

THE COURT: All right. Have you seen her questions?

SPEAKER 3: I have not.

THE COURT: All right. Please show Mr. Osterbur what your questions are.

SPEAKER 3: I understand.

THE COURT: Any objections to those questions --

SPEAKER 3: No.

THE COURT: -- if I ask them as to -- on behalf of the State, and then whichever you have? You may want to take a few moments to scratch some out yourself now, and then show them to Ms.

Sharples-Brooks.

If you have some other written that you want me to ask, being I've turned down your four pages of them, I'll let

you put some of that together. Do you want to try to do that?

SPEAKER 3: I probably won't.

THE COURT: Well, I'm not going to allow you to address the argument that the fine is any particular amount to the jury. The jury's not going to be told how

much the fine is. Now you quoted the figure of 120 dollars. That may be the amount of the fine that you've been paid if you wanted to pay the ticket by mailing in your payment and pleading guilty. This was a no court appearance required ticket. But I want to caution you, the fine for disobeying a stop sign, a petty offense, can be up to a thousand dollars, plus the court costs. Do you understand that the court is not restrict to fining you only 120 dollars if you're found guilty?

THE COURT: All right. This is the instruction conference, we're starting this at approximately two o'clock p.m. Mr. Osterbur, I believe you were given a set of these earlier today. If you'll get your set out?

THE COURT: Why?

DEFENDANT MR. OSTERBUR: The -- we, the People, is a valid and real constitutional alignment of our own, and they are the judges of this particular case.

THE COURT: All right. The objection's overruled, the people are allowed to withdraw instruction 2(A). 2(B), are you offering 2(B)?

THE COURT: What's the objection?

DEFENDANT MR. OSTERBUR: That there are alternate occurrences, that you know -- there are reasons why -- why rules are not valid.

THE COURT: Do you have an instruction to present on your own behalf that would correctly state the law that would so state?

DEFENDANT MR. OSTERBUR: No, I do not.

THE COURT: All right. I'm going to give People's 10 over objection, but it'll be given.

People's 11, that's -- other than filling in the name of the charge, it's a standard instruction. Do you have any objections on that?

DEFENDANT MR. OSTERBUR: No.

THE COURT: People's 11 will be given. And 13 -- is there no 12?

Even though the court required me to return three times, for absolutely no “good cause”/ regarding this simple offense: NOT A SINGLE TIME, did this judge instruct me: **to prepare questions for a jury**/ did not tell me, this minor traffic offense “was criminal”. Did not due diligence, in the need to be prepared for the instruction conference: thereby refused to provide the standard questions regarding what that was. **That I might prepare.** Did not inform me of the additional fines: and in every conceivable way, “set the trap, **to ridicule, and deny me justice/ by proving the legal profession rejoices in its tyranny over the rest.** Or mor simply; the opportunity to be prepared, for a more serious intent to steal my property than expected, was quashed. **Without justice, there is no authority to penalize. Without fair play/ it is a criminal intent to extort.** Without a true jury of “my peers” as selected by me: the very foundation of due process fails.

from the least on:

In the matter of harassment, I use the law to direct the court to tell me, in no uncertain terms HOW it is they expect or demand a payment/ establishing extortion without that law. By not providing the law under which they expect that right, to obtain the fine even though an appeal is well known to them. IS HARASSMENT. And subject to fine, \$1000.00/ because your method is not perfect: therefore even 95% within the rule is subject to a \$1000.00 fine. I expect to be paid.

The initiating letter, “ *quote: Therefore you will “re-advise” the state of IL that this matter is not due/ by the conclusion of law that states until all the evidence, as is consistent with an appeal; is heard a judgment is not consummated. Therefore **not a finding of fact** at this time. When it is/ then we will proceed.* and its subsequent letter are added herein.

The critical collapse of due process, my RIGHT to the full and complete intent of the fourteenth amendment, quote: “...nor shall any state deprive any person of life, liberty, or property, without due process of law.....” **IF THE LAW, has not yet been fully defined/ IF THE COURT refuses to substantiate its claim.** Then, the champaign court acts in defiance of the “ privileges and immunities of citizens of this USA.” That privilege is: to know, “justice will prevail/ not a rule establishing nothing more than anarchy”. That immunity is: to

know, “that fair play drives liberty to explain freedom, as everything less: than a substantial threat”“.

That reality of democracy: mutilated with rules/ **is, a complete disrespect** for this litigant, for every life in this nation. The Champaign court has claimed that I owe/ am past due on: the fine assessed; for my being within 95% compliance with the law. **“Just not perfect enough”**. Subsequently: they threaten to remove MY GUARANTEED RIGHT under the fourth amendment: **“to be secure in their persons**, houses, papers, and effects against unreasonable searches and seizures....” . **TO DISGRACE, my Democracy** with the disease of their arrogance and pride: by assuring me, “justice don’t matter/ FAIR PLAY is worthless here/ and a tyrant will rule the jury, for prejudice.” The purpose of a courtroom in Champaign county being nothing more than oppression. I am established in the courtroom of trial 2011 TR 022442, that I am a criminal in criminal court: for approaching slowly, & going one mile per hour or less, carefully and responsibly through a stop sign: without threatening anyone or anything. With a driving record to prove “MORE SAFE, than the vast majority of drivers”. Amendment 6 guarantees me “AN IMPARTIAL JURY”. This judge, guarantees me a prejudiced jury, refusing my questions, and controlling each juror, for his own purposes. That is BIAS, the intent to create. Amendment 7 is thereby dissolved by **a jury: their only verdict, “Did I or did I not come to a full and complete stop, at a stop sign”**. **The jury was allowed nothing else. A jury means: of the people/ by the people/ and for the people: THEIR choice, THEIR right to be informed of EVERYTHING necessary to establish FAIR PLAY AND JUSTICE, through equality among all members!** Which means; even though it never was a jury of my peers (*because it was selected by the judge/ neither the defense nor the prosecutor, but the judge; despite the illusion of a slight opportunity to participate: it did not exist by reality or the standards expected of jury selection.*) It ceased to be a jury, because it could not speak for society/ and thereby became the intended outstretched arm of the judge; he, controlling their very minds. That is tyranny. The fine for removing my jury from me/ removing the jury from this prosecutor in like denial of the right to select for the people; for society. Thereby, Establishing prejudice; the fine IS ten thousand dollars. I do expect to be paid. For the slander of calling me a criminal in open court/ and establishing that in the record, for a tiny infraction of a rule; countless drivers having done the same. The fine is: ten thousand dollars.

UNLESS this appellate court believes the matter is already settled/ then the judgment stands without support. Therefore A criminal court in open defiance to

the law itself and the foundations of this democracy: THERE SHALL be freedom, WE ARE a democracy guaranteed rights, & let the people decide for themselves. Is the law/ is the search for justice, NOT rules. Is the reality of life in society/ NOT the result of tyrants controlling us all with irrelevant rules. Is the liberty we give ourselves, that must never be taken away/ as it most certainly is in Champaign county court today. Ain't that right? For throwing my constitutional right into the trash: the fine is \$20,000.00. I expect to be paid.

So then the motion for rule of law: extends not only to harassment by the Court/ but to the flagrant violation of using the courtroom to extort money from me in error. If the law quoted to me within this appeals process, demands I must pay/ then I will pay. **But I will see that law, and respond to it if I so choose: that is my right,** under the foundation of democracy itself. Or you will wait. Simply put, YOU are not my ruler/ YOU are a mere employee: THE JOB is, as the preamble to the US constitution describes. It is listed in a previous filing: prove me wrong. The foundation demand of every judge here, in this case is: “....establish justice (was not allowed).... Insure domestic tranquillity (anarchy against us all; by using force, prejudice, tampering with the purpose of law; to destroy fair play: potentially producing anger/ NOT peace).... provide for the common defense (instead perfection is demanded, NOT life in reality)..... promote the general welfare, and secure the blessings of liberty (which means, WHAT IS GOOD FOR SOCIETY rules, NOT you, and not irrelevant demands that 95% compliance to a rule is not “good enough”. It is.

Therefore, Establish the law that governs this appeal and prove the result: because it is learned in some courtrooms that paying the fine results in the supposed admission to guilt; and there is none. When I am in the majority by far, of everyday occurrences; as is proven by the reality of driving. When no true statistics of merit exist regarding when responsible, earned, FREEDOM must be punished. I have a right to the record I have established: my driving speaks for itself: SAFE at all times, beyond the majority! The fine for stripping freedom, earned by life: is fifty thousand dollars. I do expect to be paid. Democracy is not so small, 95% compliance, where not even the potential for a threat exists: is not enough. That is oppression/ the deliberate act, to remove democracy and establish a ruler over the people instead of an employee, under the people and their constitution. The fine is “inestimable”.

I DO, use my drivers license in the process and consequence of work, that I

do: which deliberately means, you are invading my right to be secured in that work. A reality of work, is a reality of life: that is essential to us all. **MY RIGHT TO WORK, and NOT be interfered with: in this regard demands; so long as I threaten no one: THAT RIGHT; IS ABSOLUTE.** *It is the basis of freedom and the foundation of liberty, that not only may I take care of myself/ it is my duty to do so. It is your duty NOT to interfere, unless a threat exists.* Consequently in this day, YOU DO trample on my right, “to be secured, by the guarantees and intent, of this US constitution”. As is guaranteed me/ earned by war and its tragedy, to build this democracy itself. The purpose: THAT WE SHALL BE FREE, and not hindered by excessive rules, demands for perfection nor UNFAIR, nor unjust punishment/ neither rulers shall command us, with their rules. Rather the jury is deliberately set in democracy to eliminate and control “the absolute power, or intent of a judiciary”. That is the essence of freedom, the foundation of democracy, and that is a primary, or very significant purpose of we the people; without doubt.

OR more simply, you cannot enslave me, it is extortion; a criminal matter erupted within the courtroom by the judge. ***Amendment 8 establishes: “....nor excessive fines imposed, nor cruel and unusual punishments inflicted”.*** You cannot threaten me without just cause/ you cannot steal from me, unless it is fair: 95% compliance with a rule, where no threat exists. IS COMPLIANCE by the standard set within society itself. The fine imposed: Is absolutely an anarchy, and it has swelled for going one mile per hour, while approaching a stop sign instead of a full and complete stop: has become “a two thousand dollar ticket”; to date. NOT including the time without purpose required by the court/ money lost, expense paid. Not including this appeal, FOR JUSTICE AND FAIR PLAY. The intent to overrule democracy and take it for yourselves, by a rule: is tyranny .

YOU CANNOT simply demand a payment, because of a rule. Without the law that governs the controversy at hand; by its current reality. That law is

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

### PREAMBLE

We, the people of the State of Illinois - grateful to Al-

mighty 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 be [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.

DEFENDANT MR. OSTERBUR: I believe the evidence will show that the police officer was stalking. I believe the evidence will show that the police officer was threatening me. I believe that the evidence will show that the -- there are extenuating circumstances, and I believe that there are things that should be said regarding the law and that we, the people, things that are threatening to us all.

THE COURT: The prosecution may call its first witness.

MS. SHARPLES-BROOKS: The State calls Chief of Police Sean Weary.

That brings us to the Gifford police officer; and his testimony. In contrast: I drove down main street, as is constant and common for all but a tiny bit of traffic. I turned east on plum street (to visit a friend), then north on park, then west on north st, then north on main, then west on 136. Or more simply I went around the block, and then continued on in the direction of Ranteoul: where I was again cheated at the drivers license bureau. Nonetheless my statement is: the police officer was parked behind me on plum st, prior to movement beyond that house.

**The judge says: Circumstantial evidence should be considered by you, together with all of the other evidence in the case in arriving at your verdict.**

The police officer (A) testifies:

by the prosecutor

Q. Okay. So where were you in relation to this car when you were at the intersection of Main and 136?

A. I was about ten feet behind it.

Q. Okay. So you were directly behind it?

A. Yes, right behind it.

By the defense

Q. Exactly. How fast do you suppose that I was driving up to those stop signs, and how fast did I go through them?

A. On Main Street you probably, 25 to 30 miles an hour.

Q. What do you mean?

A. That's how fast -- the speed you were traveling before you got to --

Q. Before I got to?

A. -- to 136 and the stop sign, yes.

Q. Before I got to the stop sign?

A. Yes.

Q. How fast was I traveling through the stop sign?

A. I don't know.

MS. SHARPLES-BROOKS: Objection, your Honor, the question is calling for a speculative answer.

DEFENDANT MR. OSTERBUR: That's not really true. You can identify a vehicle that is making a turn by how fast it is going. Was it very slow, or was it --

THE COURT: I'll rule, the objection is overruled. I don't find the question objectionable. If you could know how to answer the question. Yes, the question is how fast was he going when he went through 102

the stop sign. If you don't know, then say you don't know.

A. I don't know.

**Q. So your basis is that I was going through the stop sign, and you don't know how fast I was going, even though you were ten feet behind me?**

I testify

on that date, and had -- I drive in from the south side,

and I first noticed the police officer as I was a quarter mile out of town. He was -- he had just turned off the main street, and he was going to the east. And I

paid little attention to him, drove through the town. And that was, you know, that's probably six blocks, maybe, from the place that he was noticed, to the place that I stopped. He -- when I -- I went to a friend of mine, that his wife was very sick with cancer, and dying. And so I stopped there to see if, you know, maybe

I could do something for them.

When I came back out from the house, actually, the -- they did not open the door, they weren't home, they were busy or something, so I was only

there for five minutes.

So I went back, or came back down off the porch, off his porch, and then proceeded to the car, and the police officer was sitting behind me, the police

car was sitting behind me, a little bit behind at the house next door.

I really didn't pay any attention to him, because I assumed that he had a reason to be there, that

he was (inaudible) there or some such thing. I really didn't pay much attention to him. But he could not have gotten there unless he had deliberately saw my vehicle and made it --

MS. SHARPLES-BROOKS: Objection, your Honor, this is speculative testimony.

THE COURT: Sustained.

DEFENDANT MR. OSTERBUR: All right. Then

I spent, from the time that I saw him on the south side of town, to the time that I saw him behind my vehicle, sitting there, when I stopped to visit the person I indicated, there wasn't more than five to ten minutes. He had to make corner after corner, and he had to get back on the street, and he had to find where I had turned.

MS. SHARPLES-BROOKS: Objection, your Honor, this is speculative again, and also not relevant to the charge here today.

DEFENDANT MR. OSTERBUR: It's not speculative.

DEFENDANT MR. OSTERBUR: All right. The police car was was sitting behind me, it was not traveling, it was sitting, standing still. When I left the -- the house that I had described, I drove up to the stop sign. I knew that the stop sign was there. I can't say that I was considering it a whole lot, but I know for a fact that I looked carefully both directions, and had a clear view, both directions. There was no one there, not a dog, not a cat, nobody, no property involved. I went through the stop sign, I did in fact go through the stop sign at about one mile an hour; maybe two, at the absolute most, having fully decided that the traffic was clear....

...There was -- there was -- and the police officer recognized that, because he came out right exactly after me. So he would be a threat, rather than me, if there was anything threatening.

In appeals, this issue presented discusses the reality of stalking/ the consequence of opposing testimony/ and the demand for the “most provable evidence or testimony to rule”.

The police officer deliberately tries to paint a picture of me driving through the stop sign at high speed. He then refuses to identify a proper description/ even though he is ten feet behind me, according to him. *That is, an attempt to intentionally mislead the jury.* The judge lets him by with it; even though being a police officer *gives him a distinct advantage* in court over me.

Which can only mean:

JUSTICE REQUIRES that any and every police officer giving testimony in court SHALL IN FACT give a full testimony of the facts, without the subterfuge of denying what he plainly knew. Accordingly, there shall be polygraph tests for all police officers, prior to hearing: or any other reasonable aid, should the defense require it. FAIR PLAY, does not give a police officer an advantage, UNLESS it

comes with a detailed description that can be checked and concluded for accuracy as best we can. We DON'T stand as equals in court/ therefore the rule is different.

Which leads us to the next aspect of rules, rights, and realities in this case: my testimony, that a clear attempt was made to pull the police officers gun/ simply because I looked in a side view mirror. THOSE who carry guns, shall give testimony. Those who have proven themselves to be "allegedly" reckless, with a gun. SHALL be subject to review, and accounting from society

Q. I did say there was cause. And I guess that would be all. Well, they're one more question with regards to the whole idea of a gun. Have you ever been suspended from the Gifford Police Force?

A. No.

MS. SHARPLES-BROOKS: Objection, your Honor, that is not a relevant question.

DEFENDANT MR. OSTERBUR: It would be if he was suspended for using his gun in an improper and a reckless manner.

**Clearly there are two distinct versions of justice/** one where I am criminalized for 95% compliance with a tiny rule, that had no bearing on the situation (not criminal). And a complete lack of punishment, for an officer who had been "allegedly" reported by numerous people: that he took out a gun, and shot a tv set in a garage/ during a holiday party, off duty: children present.

How is that fair? How is that not my, or societies concern, when he attempts to pull his gun to point it at me. Is the rumor not enough to verify, "I am threatened". How many years in prison: would I have received, had this been done by me! Prove justice.

When a police officer comes into question/ those who put him in that position also come into question. That means: the city of Gifford shall be examined. The tickets and the record of accomplishment by the police department for the last five years shall be subpoenaed. To prove, whether a town "a mile long and one eighth mile wide": is using the law, to fund their own purposes; rather than as society itself, as we the people intended. The rule of law is: for our purposes as a society/ NOT yours.

US Amendment 4, goes on: "shall not be violated".... The elemental freedom here in this case, is constant with the demand "95% compliance with a driving rule, is enough!" **Perfection held to OUR GOVERNMENT EMPLOYEES, cannot meet 10% compliance** with perfection, even if you dredge the sewer. That reality of life; is open rebellion by our employees;

against WE THE PEOPLE/ as it is clear, there is a war already won: TO STEAL everything we own. To replace our work and our lives therefrom, with nothing but counterfeit numbers; that are in fact, by the numbers: counterfeit, or worthless. The fine is inestimable. The penalty is bankruptcy, whereby NOW “let the rich man pay”. **Because we the people SHALL be the jury ourselves. That is redress/ that is the law.** The fine for holding me to a standard, the vast reality of government employees both state and federal: in a review of all top officials; CANNOT even dream of ascending too. Is twenty five thousand dollars.

This court is required to reply by June 26, 2012; **making the law evident and real that governs whether this fine, for this traffic ticket, must be paid without the resolution of this appeal.** Because while a courtroom used in filth cannot resurrect itself without help/ until that happens, it can still continue to steal.

THE ELEMENTAL REALITY OF EVERY FINE BEING: when you do it to one of us/ then you do it to all of us. THE DIFFERENCE between we the people; and you the employee is: **YOU SWORE to obey, protect, and defend this constitution of the United States of America/ YOU SWORE to obey, protect, and defend this constitution of the state of ILLINOIS.** The constitution rules every aspect of law, authority, or right! IT IS THE LAW, “lessor rules” become irrelevant, next to constitutional authority. Freedom is a demand, freedom is not subject to your rule/ UNLESS true and substantial threat is involved. Freedom is the purpose of this government, the reality or intent describing: why we are united as a nation. NOT a little thing.

You denied me first amendment law/ which means you denied every single citizen in this state, and in this nation the same. That is treason. Let the people decide. Let the court understand: by the same degree you have judged & applied to me, a penalty/ an additional fine/ the insistence, “no mercy”: demanding. **95% COMPLIANCE WITH “THE LAW” IS NOT ENOUGH.** So shall it be applied to you.

Let democracy find its voice.

**We now begin with the MORE EXTREME purpose of redress/ the demand granted by the constitution, to we the people; both state and nation: THAT LAW, DETERMINES THE LEGAL RIGHT, TO REQUIRE OUR EMPLOYEES SHALL GIVE A TRUE AND ACCURATE ACCOUNT OF THEIR ACTIONS/ their decisions/ and their purpose in so doing. That we the**

people have *the right as owners*: “*To alter or abolish any form of government that becomes destructive to the rights and needs of its people*”. To demand: that a sworn oath SHALL be kept/ or those found guilty SHALL be punished, as we the people demand.

DEFENDANT MR. OSTERBUR: I intend to give them the entire notebook, the -- I'm asking them to read the -- the this part that is inside the notebook, and this would be the summary of basic concerns, and the notebook itself are details regarding these issues in substance.....

**.....Fusion, the same fire that is on the sun is not a small issue.** They believe that -- that it is controllable here on earth because there is too much -- there's not enough gravity here on this earth to keep the fusion lit. **Now if they're wrong -- and I believe they're wrong -- that means that they brought the same fire that is on the sun here to earth, then there's absolutely nothing that we can do to put it out.** So that is a very, very big issue. **That's gambling with every life on the planet** in this case, even in this courtroom, and we ought **to have a say as to whether or not they can gamble with our lives. That is the purpose of redress.**

*By its every function and purpose: the foundation of a courtroom is to protect and defend this democracy from terrorists and traitors.*

***To stop the destruction of LIFE/ PLANET/ ENVIRONMENT/ FUTURE/ AND LITERALLY EVERYTHING WE NEED TO SURVIVE: governs the real and true purposes of every courtroom. TO STOP ABSOLUTE INSANITY, AS IS NECESSARY FOR OUR OWN SURVIVAL.***

*The judge, asserts: that has nothing to do, “with law”/ calling it a “political purpose”.* The judge interprets his position of employment “as a judge”/ someone who makes up his mind, and claims always to be right. However, as a defender; an employee whose duty it is to protect this state and this nation FIRST. The question presented as suggests he is an authority, that needs no further information to make up his mind, this question, this law called redress that allows everyone to have their own say: is worthless to society. Establishing “He, IS an expert”/ **when in fact NONE are experts, because this has never been**



**done before. CONSEQUENTLY no one, can guarantee we will not die. NO ONE, can guarantee mutilating everything in nature, will NOT bring HORROR AND TERRORS BEYOND BELIEF. ETC/ ETC/ ETC.**

We are threatened with extinction, as the filing called a notebook defines, in so many ways: we will be lucky as a planet or its life; to survive. I have demanded investigation, the examination of evidence, through redress; and NO GAMBLING WITH OUR LIVES, NATURE, FUTURE, OR PLANET. In every court both state and nation that are available to me; through the US supreme court.

I have demanded WE THE PEOPLE do, have a right to intervene; and stop this insanity: AS this DEMOCRACY PROVIDES, through the law called redress.

Society itself, then Fully informed or able to be informed: this is an immediate threat, by knowledge generated in the most critical format for dispute resolution we have, a courtroom.. The judge functionally declares, “Worthless”! I appeal/ reminding you “one second too late, and the planet dies in fire, nature collapses, and we are faced with a living death, as if in hell.”

For the religious, I add the biblical text of Daniel 3/ and suggest how is this different than today? WE DO, stand at the door of the “furnace”. The masses are bowed down to the image of “university”. **How else, do you explain: THEY GAMBLE WITH EVERY LIFE/ EVERY FUTURE/ EVERYTHING WE NEED OR VALUE, “for nothing”!** And the people remain silent. The interpretation is: only those who stand up for life, shall enter eternity.

We must establish fair play, and equal justice for this society, in all distinct ways. Our leaders have failed us/ redress will prove the truth. They have lied, cheated, stolen, and worst of all threatened us with extermination from the planet. Have left us to die, by not dealing with the other threats which can easily kill us all. Redress will give us OUR LEGAL VOTE/ and that makes us, a democracy of owners, NOT slaves. Justice is not a rule/ JUSTICE is the relationship we create between ourselves that is FAIR.

This court removed justice and fair play to insist only the rule can judge/ only perfection to the rule, can be counted. Nothing else matters according to the judge. A jury is told, you may rule on nothing for society, peace, harmony, respect, or other rights and needs of value. In other words, the rule has trampled upon the constitution, and destroyed it, in this courtroom. The rule is used, to make rulers, thereby dissolving democracy itself. The illusion of compliance with

the law or justice when subjected **to the purpose of a jury: which is to remove the ruler, and let society decide for itself, what is fair, legitimate or just: including the penalty. Thereby maintaining democracy for we the people/** is allegedly, “despised”. Instead of a jury/ established by both the prosecution and the defense: the judge intervenes, and makes it his own. That is tyranny.

WE MUST rule ourselves.

**proof of service:**

I, James F. Osterbur, do hereby declare and prove that I have sent in this day June 6, 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 201 w. Monroe st. Box 19206 Springfield IL 62794**

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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.