

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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VS
STATE OF ILLINOIS
city of Gifford IL

The appeal of case 2011 TR 022442
DATED: 6/ 7 / 12

APPEAL # 4-12-0429

MOTION FOR CLASS ACTION SUIT

ILLINOIS STATE CONSTITUTION

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.

IN THE MATTER OF THIS FUNDAMENTAL REDRESS OF GRIEVANCES TRIAL, as has been declared, filed, and established in a courtroom of law. Transcript pages 17-20. A foundation of both the state and national descriptions of DEMOCRACY/ freedom/ and guaranteed rights. A SUBSTANCE, THAT HAS DELIBERATE AND REAL VALUE TO US ALL. It is found in a courtroom of law/ during jury trial, that I "speaker 3" have not found a remedy, nor a definition, nor a description, nor a courtroom by which redress of grievances can or will be heard. ACCORDING TO THE LAW, the constitutional mandate upon every government judicial or other official: who has sworn to obey

the constitution. "Redress is worthless", in a courtroom of law. The judiciary is reminded: NOT ONLY IS THE CONSTITUTION, THE FOUNDATION OF ALL LAW IN THIS STATE AND NATION/ EVERYTHING IN IT, IS THE LAW, which governs our employees and ourselves. Therefore not a single word is political, but rather the foundation sovereign to our state and nation: which means it is alone, our government that unites WE THE PEOPLE.

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.

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, if you wanted to appeal, and raise as part of your appeal that I was erroneous in May ruling, of course you would have to have with it what it was that -- that this was all about. In other words, what was I considering and did not allow you to either show the jury or to proceed on? So, that is -- **that will become part of the record** in this case.

SPEAKER 3: I have another question.

THE COURT: Yes, sir.

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.**

Or more distinctly I have established the foundations summarizing the constitutional descriptions of democracy under redress according to "its best interpretation" for we the people over time: other examples are included. But more importantly: it was never an expert that defined democracy for this nation/ BUT WE THE PEOPLE OURSELVES! We fought, and we died, and we believed in the values and demands and guarantees that shape our lives as the purpose of democracy itself: To give us all, an equal freedom/ and a distinct legal right, guaranteed by the constitution; so that we will NOT be "ruled". So that justice

will prevail/ fair play shall govern/ and a jury shall speak for the people themselves: with authority to determine what is in our own best interest, apart from those who make the rules.

So then, today in this courtroom, having established the legal truth, that redress is NOT accepted by the judiciary today: as is identified by the US supreme court, in 08-1339; 11-100; and the extra ordinary writ 2023. Denied in every other courtroom both state and federal that is available to each and every citizen/ as is proven by trials created through James F. Osterbur. ALL DENIED, without justification. No law was ever found/ merely frivolous excuses, and irrelevant rules, to avoid this constitutional law.

That foundation of evidence, subjects this court, and this state, and this nation to the understanding: one citizen CANNOT demand for this democracy, **THE GUARANTEED LAW, that is a constitutional right equal in every participation of a courtroom, with the freedoms called “religion/ speech/ and press”.** REDRESS OF GRIEVANCES, is the law, a legal right; just like the other three.

Therefore class action is not only deserved, by WE THE PEOPLE ARE ENTITLED TO HEAR WHAT AND WHY, the court itself has evaded and denied us this guaranteed law of the constitution both state and nation.

As established by my writing: REDRESS IS THE FOUNDATION OF DEMOCRACY ITSELF/ because it gives ownership to WE THE PEOPLE. Ownership is recognized by the truth: that we have rights and authority too/ NOT just employees over us/ but we over them as well. By the rights and deliberate actions that are the purpose of redress in society: TO GOVERN OUR EMPLOYEES, by making them accountable to us. By establishing that we are the owners here, and if we desire to make changes to our government by our public vote: then by our sovereign ownership of this democracy itself/ WE SHALL DO SO. Whatever decision the people shall make, it is their right to do so/ it is their authority to do so/ it is their vote, that establishes ownership over our employees, in redress.

NOTHING COULD BE MORE FUNDAMENTALLY ESSENTIAL, in democracy. **NOTHING could describe a class action suit,** for we the people more distinctly: than a true constitutional question that has so clearly been denied its proper place in the governing of our lives. WE ARE ALL INVOLVED, in this

trial.

This effort called redress of grievances HAS invaded my world/ this redress of grievances has cost tens of thousands of dollars to me/ this redress has established itself throughout my adult life as the most necessary path to our own survival as a nation and a world. Now being threatened with “excessive fines”/ the battleground of what do you owe us, & what do you owe me, has opened. A fight that CANNOT be construed in any matter or way, to be personally separate, from the values and needs of society itself: therefore a duty. Therefore a class action suit.

This redress is ABSOLUTELY NECESSARY, when confronted with the reality of threats that cannot be avoided as listed in the notebook described as evidence in this trial. That listing of evidence further establishes REDRESS OF GRIEVANCES SHALL be established for this people/ BECAUSE WE ARE TRULY IN NEED, FOR OUR VERY LIVES, OUR NATION, AND OUR WORLD.

WE ARE THREATENED WITH EXTINCTION/ none can prove otherwise, because it is only a theory that serves to gamble with our very existence of life; by scientists who are absolutely insane. So says the evidence/ so says the reality of failure: as is so many of the threats we face. Denied by the court/ delayed by the judiciary: until as is this day, we now face the extreme threat of extinction on an everyday basis. This redress demands an investigation into the evidence of threats that are so stated in “the notebook” of this trial. That investigation must examine the reality of WHAT HAPPENS, WHEN THESE THEORIES ARE PROVEN WRONG. This demand for redress then challenges and establishes, that the decision to be made: SHALL BE, within the concepts and realities of the preamble both state and nation as it defines the function of democracy and its true purposes for this people. OR IT CANNOT be done/ unless the people themselves being truly and honestly forewarned, shall accept that risk for or upon themselves. When being wrong is the death of a planet, or its life mutilated, or an environment shattered or in ruins; ETC/ ETC/ ETC. WE DESERVE OUR VOTE.

Therefore a moratorium on these threats, a demand NO MORE until we the people decide: is established with this trial. Let the court obey!

proof of service:

I, James F. Osterbur, do hereby declare and prove that I have sent in this day June 7, 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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