

Illinois Appellate Court  
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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: 5/ 25/ 12

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**APPEAL # 4-12-0429**

THE CRITICAL CONSTRUCTION of the US and state of IL constitutions: is that WE THE PEOPLE ARE OWED, the guaranteed rights so proclaimed, within these documents. IT IS A CONTRACT, between our employees, and the owners of this government OURSELVES. Proven by a sworn oath to obey, protect, and defend the constitution before, and above, all other acts or decisions. You have failed to provide REDRESS OF GRIEVANCES, a first amendment law. Because it is constitutional law that is demanded here: every court in the land has jurisdiction/ because every court in the land is built upon the foundation that YOU WILL serve the constitution as sovereign over the courts, and the people. If you are unable to meet that requirement/ then you will pass this case along to those who can.

The preamble to the US constitution states. The elemental essence and purpose of every courtroom within this UNITED STATES is intended to be JUSTICE/ FAIR PLAY/ AND EQUALITY AMONG ALL CITIZENS; so says the constitution, and the fourteenth amendment. This appeal rests upon the reality according to the judge in his summation to the jury: that nothing matters except the rule/ not the penalty/ not the reality of 95 % compliance/ not the lack of threat to society/ not justice/ not fair play: certainly not the elemental truth of freedom which demands: I cannot be attacked for simply "being me". Not democracy which states deliberately, WE THE PEOPLE SHALL "establish justice for ourselves" , through this constitution. *The power, as a democracy; to decide for ourselves, what this government, including its courts shall be.* WE THE PEOPLE SHALL insure domestic tranquillity by creating a jury that considers life first/ *by removing, "a ruler and his rules", the oppressor and his chains.* WE THE PEOPLE SHALL provide for the common defense; *which literally means, the courage to fight for justice and fair play/ AGAINST the ruler/ oppressor, and his rules.* WE THE PEOPLE SHALL promote the general welfare; *that entitles us to consider all aspects of humanity, every consideration that competes in society, and the realities of life and living in making any determination that is less, than freedom or liberty would allow.* WE THE PEOPLE SHALL secure the blessings of liberty to ourselves and our posterity. **Which establishes clearly and without restraint, the demand to understand threats against us/ assemble a disciplined investigation to protect ourselves from those who do or would attack us, either deliberately, or just by being WRONG. Thereby risking our lives, or gambling with our future, our nature, or our planet, its environment, the chains of life, resource destruction, or other: by their failures.**

The purpose of these things is as stated in the preamble to the US constitution: "in order to form a more perfect union".

The court/ the prosecutor/ the police officer fully knowing and comprehending that I was within 95% compliance of the rule regarding a traffic stop: proceeds to steal the price of \$120.00 to enforce their rule. To win the game they insist upon playing/ by pretending 95% compliance is not enough. Even though I am stalked by the police officer in question. That is an oppression/ the deliberate action, to use force to enslave (to make me pay/ when it is clearly unjustified): just because the weapon is in their hand. This nation/ this people DO NOT live within 95% of the rule; which means every citizen can then become/ is in fact guilty of breaking a rule, which thereby allows these failures of the court system who now call themselves "winners". To attack any and all citizens, for nothing but a tiny infraction of a rule. **That is the end of freedom/ that is the reality of tyranny/ that is democracy thrown in the trash;** because a group of bastards have crept in, with a rule to deceive, change, and manipulate society for the purpose of their own control, **NOT justice. Justice recognizes, that where no threat exists/ FREEDOM RULES.** Fair play understands, that where all the people are "guilty of less than 95% compliance with the damned rules of society throughout their lives" then WE ARE ALL INNOCENT, by the truth: this rule/ this oppression, has gone too far. It is not democracy anymore.

Democracy is: WE THE PEOPLE RULE OURSELVES BY THE LAW WE CREATE! Law is, the foundation needed to insure our survival as a people: DON'T THREATEN US, is the foundation of all liberty. The law itself is built upon, a fundamental compliance through liberty: to design and decide what is absolutely necessary, to preserve our intent for peaceful, happy, hopeful lives as a FREE PEOPLE. The law is established, by the critical role of a jury that DOES NOT merely consider the rule/ BUT UNDERSTANDS, that society does not survive by the ruler or his rules. Society stands united, because we do have a demand, a contract, and guaranteed rights among us: TO BE FAIR, WITH EACH OTHER. That includes any and all actions associated with the court. That critically demands as the law states: **judged by our peers/ NOT by the rule, or its ruler. As this judge pretends to be** The rule is an anarchist tool, a murderers right: "You broke their rule/ therefore now, you are guilty, and they will decide the punishment". Thereby the rule is "god" is that not so? The consequence is an oppressor/ a jury removed, by the force of a failed government employee: insisting society itself, life as a right of reality, justice, democracy, respect, or any other value in living does not matter. Only the rule is king/ only the ruler decides the punishment. That is a tyrant, NOT democracy.

95% compliance with any rule, is more than sufficient to prove: this action was WITHIN THE REALM OF BOTH LIBERTY AND FREEDOM. Freedom does not remove the rule that is consistent with the demand or need of all of society/ but freedom DOES administer the command on every employee: Do not exceed your authority, to protect or defend society/ your job is to insure OUR NATION, as the preamble itself states ! In the situation as is this case, it is well proven NO THREAT of any kind existed. Thereby the rule has no power, because it contains no authority to simply interfere in my life or my personal choices: freedom controls, where no threat is present. There is NO conclusion of law, that significantly proves an absolute stop is better or worse, than a slightly less than complete stop, at a simple stop sign. You have no evidence, one is better than the other/ thereby you have not even a thread of authority to insist, I should be your slave, and called a criminal. There is nothing, within 95% complete compliance of a tiny traffic rule: that demands the word, "criminal"! **That is slander,** by the fact of this case; established in court: GUILTY by the state of IL 260 S.W. 523, 525. The fine against you; is \$10,000.00 you broke the law, by choosing to slander. That reality expands, against this nation, and against this people: AS THE ASSERTION, **EVERYONE IS A CRIMINAL.** Because none, have not failed to obey every single traffic rule. **Little could be more disrespectful of our lives, as a state or nation!**

The court is not protected from this matter, as it has deliberately and with intent produced a situation that it was not legally allowed to do/ to reduce the citizens of this state, to criminals, each and everyone above the age of 16. Thereby the judge having preformed this delusion of superiority, with full knowledge, and deliberate actions: proceeds as a criminal act, in absolute non-compliance with the rule of justice. Justice means: let the punishment fit the crime/ let the foundation of law be necessary/ let understanding bring freedom forth as democracy allows. The word criminal IS: A distinct DISRESPECT for this people. Is not the rule applied by the judge: no compassion or sympathy/ can exist in relationship to the penalty; "He will be the judge". **Therefore in this courtroom, where he is guilty: that right is OURS/** over this employee OF OUR GOVERNMENT. Our democracy, not theirs, as an employee: **but OURS**. Will we not be his judge/ their judge/ the judge of every courtroom in America: **democracy says we shall**.

The critical role of a fine is to apply punishment to the guilty. The absolute failure of every government official involved in the translation of that fine to the reality of a human life: that does not consider and distinctly take into consideration the level of income; or assets as may be more correct. Destroys justice, with literal and purposeful intent. Because we all know that a financial penalty that is the same for a poor man/ as it is for a rich man: **HAS NOTHING to do with JUSTICE. It is the failure of equality in the law. It is the absolute corruption of fair play in society.** Thereby the criminal conspiracy to enslave the poor, and let the rich man escape "for comparatively nothing". Is an act of treachery against the nation itself: YOU STOLE PEACE, from the masses and gave it away.

In this case the fine for a stop sign at 95% compliance with the law is: \$120.00 for simple purposes, a poorer man who makes an income of \$10,000.00 recognizes this takes from him, what may be necessary for home, work, or life. **To BE EQUAL in financial punishment, the man who makes one million dollars, MUST THEN PAY \$12,000.00 for the same offense.** Even then it is far less, because that amount is not going to cause significant distress as it may with the poorer man; therefore the jury must take that into consideration. Because our purpose as a nation by the words of this democracy as written within the constitution is: to insure domestic tranquillity, promote the general welfare, and secure ...the children.

Thereby we begin with the demand: this appellate court MUST cause by all means necessary, the financial penalties of a rule consistent with income; **commensurate with FAIR TO ALL. As is JUSTICE, instead of the current tyranny and oppression of the poor!**

The development of criminal trespass into the lives and purposes of a jury, by a judge who puts each member on trial before accepting this is "an appropriate, member of the community". Interferes with the prosecution and the defense/ because the judge is intended to be a mediator/ not a prosecutor: the jury removes him as a judge, in this trial: therefore he has no say. Rather he is to insure FAIR PLAY AND JUSTICE shall occur. Instead as is consistent with this trial, fair play and justice are irrelevant/ only the rule matters; because only the ruler gives himself the power to assign a decision, and control the penalty. This is, The assertion, that you the jury, must do as I say, and only as I say. **That contradicts the foundation principle of a jury which is, "we the people decide for ourselves, NOT the ruler/ judge".** By choosing for society, NOT a rule. The fundamental principle expounded in the foundations which built this nation includes; *bill of rights section 15. "That no free government, or the blessings of liberty can be preserved to any people, but by a firm adherence to justice, moderation, temperance, frugality, and virtue, and by frequent recurrence to fundamental principles."* **Set apart, freedom is first/** the blessings of deciding for ourselves as is liberty is next. The absolute insistence that JUSTICE SHALL be done, is a critical context of a duty applied to us all. That exists only through moderation (NOT a rule)/ not a damn drunken (our power) brawl (no justice or fair play) to prove "we win" as is this case. Have we NOT sustained injuries, because liars, thieves, and cheats have wormed their way into employment as a government official: indeed we have, without the slightest doubt. By understanding, that democracy is earned, or it is lost: Because there is always a traitor lurking in the shadows behind closed doors, we must defend ourselves. Thereby redress is necessary/ the call to accountability required for this democracy. Each and every

jury is called to defend society, as they see fit in accordance with the law/ NOT as slaves to a rule, NOT as traitors to the rest of society, by giving absolute power to a ruler (simply doing what you are told, as fools). **Rather foundation of democracy is: EQUAL and FREE.** That means the individual who sits on "his throne"/ is merely an employee citizen just like you, with a different job. His job is, TO ESTABLISH JUSTICE, contribute to FAIR PLAY, and assemble the least damage to society, by honoring its quest for peace and harmony. Thereby NOT doing more harm than good/ which is NOT the reality within this courtroom. When in the reality of this case I am threatened with an excessive fine/ stalked by a police officer through four changed directions and four stop signs. Threatened by a fool and his gun, for merely looking in a side view mirror: **WHICH IS, of real concern to us all.** Refused justice by a court, that knows only a rule. Reliant upon a "tainted jury" by a judge who acknowledges nothing: **regarding fair play or justice.** And refused the most simple respect by the prosecutor, who insists upon bringing me to court: when I am within 95% compliance of the law; just to prove she can. Called a criminal, which means this entire nation is the same; by a judge who thereby holds our very society in contempt. And am threatened with a thousand dollar fine in addition to the slavery expected by a city that is known in this community, for abusing "the privilege of law enforcement". It is not a right/ unless your purpose is justice. We the people rule here/ you are an employee subject to our decision; paid to do the job, our constitution describes/ NOT RULE our lives. Not a game/ because there are no winners. Treason asserts: to undermine the authority of we the people/ and take over their lives, their own powers, their property, or their future. How has this not been done? These are signs of a traitor; and they exist everywhere in state and federal employment and decision; the consequences of failure; as designed by the leaders of today. REDRESS is necessary/ this court MUST establish redress for this people: IT IS THE LAW. Or be found in criminal contempt, at the very least.

The foundation of all law enforcement is: given the power to protect/ defend/ and obey the terms of the constitution itself. The reality is, that you shall not abuse that power, you shall not organize yourselves into an army, separating yourselves; against the people, by claiming superiority or separation. You are the same, with a different, but equal job to do; if you lack the courage/ then stop doing the job.

**The foundation of law is: The constitution itself/ along with the bill of rights, and the declaration of independence. This is "our government"/ because it is our contract with each other explained and identified.**

Every law, must then meet this test: to be within these terms, to understand compliance with authority is, "to defend/ protect/ and obey"; **this contractual agreement, between this people called the United States of America.** The guarantee, we will remain owners here/ by our inherent rights!

***The critical right of democracy is: that WE THE PEOPLE ARE OWNERS HERE! Nobody else/ NO DAMN EMPLOYEE is sovereign over us. We RULE ourselves! That literally means: the jury is equal to a judge, and has the right of its own decisions, within the purpose of society as is described by the constitution. The jury is not freed/ the jury is responsible for defending/ protecting/ and declaring what is fair, what is justice, and what is in the best interest of society itself. By remembering clearly: WHAT YOU CHOOSE, will be applied to you, should the same situation arise in your life, your friend, family, or other.***

The critical reality of democracy is: that our lives, our freedoms, our rights, our future, our dignity and respect are governed by what we allow our representatives to do. **The law of constitutional government is: these words are sovereign over us all.** The reality of humanity, as male history proves is: *"the majority want to play games; look at me or winner"*; all sides! The consequence of that is, the revolving door called bankruptcy/ depression/ recession/ or other. Or more simply "the few won/ now the rest must fight". When the few win/ they seek and decide to rule; to protect their winnings. When the few rule, they open prisons, and fill them with those who broke the rule; so as to demonstrate their power over society. Keeping the people at bay: "they will hurt us"! When society gets fed up: CIVIL WAR breaks out/ or international war intervenes; because someone has to pay us, or we cannot survive. The rich man succeeded, invaded, and stole our world, our resources, and our opportunities to take care of ourselves/ therefore society failed.

But that is NOT, the greater threat of this day. The critical reality of people whose arrogance, the bloated disease of their pride and want; **have decided, "they will gamble and risk all life on earth with their games". Even the planet itself!** Your leaders have declared themselves exempt from reality/ and distinguish themselves by the incomprehensible insanity of refusing to acknowledge what is, or is not true. So that we can survive/ so the children are not assassinated, by this generation in charge. *They don't care/ because they want MORE than even insanity can allow.* The most insane people on earth, are those who believe they can defeat, or refuse to respect, a deliberate and real truth. The most delusional, are those who believe and assume, "the stories they tell, the fantasies they made up"/ are real. The university thereby, "comes into view". Not because of some advances that are real/ but because they want to play god, refusing the truth (*death to this planet/ all life; when their theories fail*) of what it means to be wrong. The reality of their fantasies/ their priests who claim "we know": then is nothing more than another useless religious cult. They want to win/ and as all religious zealots do: they do cast aside truth and reality, so they can claim to be gods themselves. They question little or nothing called truth; they want to be gods instead. **As a consequence: we ARE TRULY THREATENED WITH EXTINCTION. Everything on earth!**

**This court owes me first amendment redress!**

A jury untainted by the judge, composed of the fundamental truth: that democracy is a duty, not a game. That duty is to life first, a future for the children, an environment that will not die, and a nation that has not enslaved them; or will eat them, because the evidence of your failures are that severe.

I seek the investigation of critical threats, that CANNOT be dismantled past the point of no return. The truth, that we the people of this planet are owed: THE RIGHT to decide for ourselves if the absolutely insane shall in fact be allowed to gamble further with our lives or our planet. The absolute disgrace of leadership that is America today: prefers to risk an entire world of life/ rather than be proven wrong. These are, the "elemental SATAN (destroyer of worlds)", defined by a pride so intense nothing matters "but to win"/ a want so extreme, even the destruction of a world is not enough to stop them.

This court/ this leadership; refuses the right of democracy, to choose for ourselves. This court ignites or intends to ignite the fuse, that is our destruction/ because they will not accept the reality of a truth that clearly warns and predicts the end of our humanity/ the destruction of our world. Because they do not want, "to be equal". Even so, it is much of humanity itself that wants so severely; nothing matters but pride. The literal end comes near, because you have so deliberately failed to accept the demands and limits of truth. Your leaders choosing fantasy and delusion/ by discarding reality. The battle begins, between life and death. The firestorm of anger between all men, shall arise.

The review of judicial behaviors, that are not within the limits of law.

**From the transcript**

MS. SHARPLES BROOKS: Yes, your Honor. State just wanted to reiterate that after reviewing the file and all the correspondence, the State does not have a bona fide doubt that the defendant is fit.

The State thinks he is fit and understands the charges against him, and can proceed to trial.

THE COURT: All right. You had withdrawn the motion for psychiatric exam?

MS. SHARPLES BROOKS: Yes, that's correct.

I, the defendant did not receive this motion/ even though corrected; it is now a part of trial and consists therefrom as libel/ slander of me. Because it is a directive not struck, from the record, nor used in this trial. Thereby it exists

merely as ridicule of me/ sustained, by the judge. Which means an intentional libel exists: torts 795, fifth edition. Thereby; An action by the state which constitutes a valid claim for compensation. The additional fine as stated to me, can be \$1000.00, for this case/ therefore the same is true of you.

The foundation for the prosecutors motion is filings that deliberately set out, a demand: **the existence of EXTREME THREAT to every life on the planet/ the mutilation of every living biological system. The need for justice, the reality of fair play/ the protection of the people themselves/ and the critical reality of peace and harmony in society; is greater than any rule.** This offense, by me; wherein I was within 95% compliance with the rule itself: is used specifically then as a forum for constitutional redress of grievances/ because it is the law, and these the jury are assembled peaceably: FOR LEGAL DETERMINATION: as the constitution allows. **I am refused the law as guaranteed to be, both state and nation.** That is an illegal action, by this court.

MS. SHARPLES BROOKS: I have, your Honor. I object to the jury being given this information. As far as

THE COURT: Excuse me.

MS. SHARPLES BROOKS: Exhibits, A, B, C, and D go, I find them irrelevant to the matter of failing to obey a traffic control device, as they seem to be about lasers, and DNA, and other scientific matters which are unrelated to the traffic offense.....

...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. So the issue being that I am accused of threatening the public by not quite obeying a stop sign to the whole letter of a complete stop. I went through it like one mile an hour. And since you're accusing me of threatening the public, or risking the safety of the citizens, I'm counter suing that my life is threatened in far greater ways, and these are the ways that it's threatened, and therefore you say that I should should do something for you. That is, pay 120 dollars for that discrepancy of going through a stop sign. And I believe you should do something for me, instead, as a

counter suit, and that would be that we, the people, should be able to see the threats that are against us in this life. The threats that literally can take our life away, if the scientists, who believe that they can do these things prove to be wrong.

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.

THOSE WHO ARE SWORN TO PROTECT, DEFEND, AND OBEY THE CONSTITUTION/ THEREBY THIS PEOPLE DO UNDERSTAND.

THE COURT: It's not your position though, that that has anything to do with whether you did or did not violate the stop sign; is that correct?

SPEAKER 3: My position is

THE COURT: It's more of that you're believing that you should not be prosecuted if the powers that be are doing these other things, is that what you're saying?

SPEAKER 3: That's not quite right. I

believe that you are assuming, or asserting that I threatened the public. I'm counter suing that the leaders of this state, or this nation, or this

courtroom, or whatever, are threatening me. And as the reality of that, I should be able to present that defense to the jury itself.

A threat that is verified, and testified too in court: that every biological organism/ every life/ and even the planet itself: IS NOT sufficient evidence to be presented in trial; in comparison to a ticket claiming 95% compliance with a rule of the road. Life and death for us all/ the demand for constitutional law, a first amendment guarantee by this nation to me: **is inferior to this rule. They are insane.**

MS. SHARPLES BROOKS: Your Honor, I object

to the first 20 pages that is stapled to the exhibits, as I feel it confuses the issues, misstates the issues, and also brings up several irrelevant things to this trial, such as miniature stars, or the temperature of the ocean, or fusing human cells with rabbit eggs. I don't think any of that is really on point for the trial today, so I would object to the jury being given this.

THE COURT: All right. Anything else, Mr.

Osterbur?

SPEAKER 3: A threat is a threat, and if you

assembled a jury to decide whether or not I threatened

the public, then I should be able to assemble a jury to

say that these leaders, these university people, this

military, whatever it is, is threatening me, and as a

consequence, I should have the right to ask the public

to ask the are jury to convene a hearing, and listen to

the evidence, and make a decision based on the evidence

that I just presented. It's not anybody's right to

gamble with my life. It's not anybody's right, I don't care who you are, to gamble with an entire state or

nation, or world, such as is fusion, such as is

mutilating life, and changing it, and trying to make

people and animals among genetic combination. You know,

it's simply not fair.

The foundation presented is simple: A THREAT IS A THREAT/ WHAT IS FAIR EXISTS, as a relationship to what you did do.

THE COURT: Has your so called counter suit been placed on file in any court?

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?

A RULE, is greater than a world threatened/ a rule is greater than constitutional law/ a rule is greater than justice, or due process as is expected where the discipline is: ".....equal protection under the law". That statement of the fourteenth amendment: SHALL NOT be banished from a courtroom, by a damn rule. It is criminal contempt for the law/ for this democracy/ and absolute disrespect for this people and me.

THE COURT: Well, you've not this is the 12th of April. You've not brought this up until today, you know, you filed that back in January. I am going to hold that your document, called a countersuit is not an appropriate response to the traffic charge against you. You seem to have a misconception. The traffic charge is not a claim that you're a threat to society, or other motorists because of the specific acts that you allegedly did or didn't do. It's a charge you violated the Vehicle Code of the state of Illinois.

The judge claims at a later stage, "I am, a criminal/ and this is criminal court". How is that not to be considered "a threat to society"? Therefore with one hand he says, I am no threat as it suits him/ while on the other, he accuses me of nothing less, than being a threat to society. How is that not "a lie, buried within"?

The court.....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.

THE ELEMENTAL DEFENSE of this criminal trial as so described by the judge: requires the liberal acceptance of a pro se litigant. THIS IS MY DEFENSE/ I am refused the right, "to call witnesses on my behalf". These are my witnesses/ this is my demand: if you will charge me with a threat/ then I too, shall charge you with a verifiable threat that far exceeds anything I could even fantasize about. Threats so extreme; even hitler becomes less. FAIR PLAY expects: that if I am accused of a tiny thing/ **THEN it is justified** to point out, these others intend to "light the world on fire, with their insanity and failure to abide by the rule; called LIFE FIRST!

The court.....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.

The foundation is laid: this will NOT be "a jury selected, or even tested, by me". Which deliberately means: I am refused, "a jury trial of my peers".

You are trying to inject issues into this trial that have no presence as to whether you did or are did not disobey a stop sign, which is the fundamental issue in this case. If you want to proceed on these matters in another forum, you may certainly try to do so. But you're not going to do it in the traffic case in my courtroom. Do you understand that, Mr. Osterbur? 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.

There is nothing political about a legally guaranteed right under constitutional law. The only issue injected by me is: that a peacefully, legally assembled jury of the people can be allowed to hear first amendment redress. Because a threat against every foundation of life and living: is IMPORTANT to us all. The judge asserts again: Only the rule/ and its application to whether a 95% compliance by me: is enough for this court. Nothing else is allowed. Justice, nor reality: is present, simple and plain.

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. 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 jury is blind/ the foundation arguments are mute/ the judge is deaf/ the judge threatens, to enforce fear. How is this justice?

SPEAKER 3: I was unaware that you could fine me 1000 dollars for a 120 dollar ticket.

THE COURT: You are also unaware of many other things, Mr. Osterbur.

Ridicule in the court/ the demand a mere citizen CANNOT participate in a courtroom, where only a diploma may rule. Or more simply: unless you capitulate, and cower before the court/ the fine will be worse.

THE COURT: This theory of redress 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 redress 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.

WE THE PEOPLE HAVE NO RIGHTS/ WE HAVE NO AUTHORITY/ WE ARE MERELY SLAVES TO BE TOLD WHAT TO THINK AND DO, by those who claim to be "experts". Take a damn look around at what the shithole experts have done/ and then remember: DEMOCRACY IS ONE CITIZEN/ EQUALS ON VOTE. And we didn't give that vote away, to a damn piss-head lying, cheating, stealing diploma. This is our nation/ this is OUR DECISION/ this is our REDRESS: the demand for accountability and democracy FROM our employees. NOT slavery to them. What redress by its written words, shall mean: LET THE PEOPLE DECIDE. Because they are sovereign as the government of this nation/ directly behind and in connection with, the constitution of this USA. That, has nothing to do with "experts". Our vote/ our law/ our courtroom/ our money and work and time and life: EQUALS OUR DEMOCRACY. It ain't for sale. Those who would steal it, are **guilty of treason!**

What we're going to decide today, that jury will decide, not me, but what the jury will decide is whether or not you stopped at that stop sign. That's the issue here. And if so, I will decide what the appropriate penalty will be.

LIFE, is reduced to a rule/ even 95% compliance is not enough. Which can only mean: the oppressor has control. The jury is tainted, to believe nothing matters but their rule/ as you will see later. In terms of society/ freedom/ justice/ and reality: **NOTHING could be farther from the truth**, than a tiny infraction of a rule; proven NOT to have been threatening to anyone; controls life or society. That is "plain tyranny". The subjection of us all, "to a raving lunatic".

I'm counter suing that my life is threatened in far greater ways, and these the ways that it's threatened, and therefore you say that I should should do something for you. That is, pay 120 dollars for that discrepancy of going through a stop sign. And I believe you should do something for me, instead, as a counter suit, and that would be that we, the people, should be able to see the threats that are against us in this life. The threats that literally can take our life away, if the scientists, who believe that they can do these things prove to be wrong.

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.

Included in these filings: is the critical demand that a penalty within the law that does establish punishment, **MUST BE FAIR TO ALL**. And that means, the income/ or assets of the defendant must be considered: as to financially give the same penalty to a poor man as to a billionaire. Does not conceive of equality, as the price paid represents: **NOTHING, is THE SAME**. Therefore the court is a transgressor against society/ nothing more than a whip of the rich, to enslave.

SPEAKER 3: That's not quite right. I believe that you are assuming, or asserting that I threatened the public. I'm counter suing that the leaders of this state, or this nation, or this courtroom, or whatever, are threatening me. And as the reality of that, I should be able to present that defense to the jury itself.

**THIS IS**, a statement establishing the legally guaranteed right to present a jury with redress of grievances, in relation to the fact: as stated above, **WE ARE THREATENED** with our own extinction. The possibility, those who believe

themselves to be "like gods at the university" are wrong! If wrong/ that reality becomes a planet engulfed by fire. If wrong/ that reality becomes a nature destroyed, and infected with pandemic, and other horrific consequences.

CLEARLY NOT "frivolous"/ or insane. *But the foundation set aside by democracy: as first amendment law. THE RIGHT to assemble a legal, peaceful, opportunity, "to petition the government: WHICH IS, WE THE PEOPLE", FOR REDRESS OF GRIEVANCES. Or more specifically, everyone here on the planet HAS AN ABSOLUTE RIGHT to be informed* of the experiments these people have created/ this risk these people are taking/ and determine for themselves by vote. ***IF TERRORISM (being wrong is being dead; prove the evidence is wrong)*** is allowed by the American people. That redress begins small. That redress begins here.

MS. SHARPLES BROOKS: Your Honor, I object to the first 20 pages that is stapled to the exhibits, as I feel it confuses the issues, misstates the issues, and also brings up several irrelevant things to this trial, such as miniature stars, or the temperature of the ocean, or fusing human cells with rabbit eggs. I don't think any of that is really on point for the trial

today, so I would object to the jury being given this.

As established by the listing and presentation of threats/ the examination of evidence that DOES threaten our very existence. NOTHING is more prevalent, or more pertinent to the jury/ that what was written to inform them of their own decision with regard to this society, and its own preservation. Noted, the prosecutor makes no remarks as to the validity of threats, or the reality of protection for this society; as is the job of the courtroom/ merely, that it confuses a rule.

SPEAKER 3: A threat is a threat, and if you assembled a jury to decide whether or not I threatened the public, then I should be able to assemble a jury to say that these leaders, these university people, this military, whatever it is, is threatening me, and as a consequence, I should have the right to ask the public to ask the jury to convene a hearing, and listen to the evidence, and make a decision based on the evidence that I just presented. It's not anybody's right to gamble with my life. It's not anybody's right, I don't care who you are, to gamble with an entire state or nation, or world, such as is fusion, such as is mutilating life, and changing it, and trying to make people and animals among genetic combination. You know, it's simply not fair.

From the constitution: article 3 section 2. "The judicial power shall extend to all cases, in law and equity, arising under this constitution,.....between a state, or the citizens thereof,..." What is a greater need: than to intervene in "a terrorist plot"/ that could potentially destroy a world, its nature, or this people. The university plays: Their theory, is called a theory, because it can be proven wrong/ they don't know, they guess. WITH OUR LIVES. We have a right to intercede. We have a right to know. We have a right to defend ourselves, **and demand the judiciary SHALL error on the side of protecting life, and democracy (OUR CHOICE, not yours)!**

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 rule invades, the legal profession protects its money, and its power/ by asserting justice, life, society, the rights of democracy: have no place here; only rules.

THE COURT: Well, you've not this is the 12th of April. You've not brought this up until today, you know, you filed that back in January. I am going to hold that your document, called a countersuit is not an appropriate response to the traffic charge against you. You seem to have a misconception. The traffic charge is not a claim that you're a threat to society, or other motorists because of the specific acts that you allegedly did or didn't do. 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.

Constitutional law, and the purpose of democracy is not about the rules used to manipulate/ control/ or abuse society. Constitutional law, and the purpose of the judiciary is: the clear contention that it is the employees of government that must be controlled. So that, they do not become "our rulers". The value of rules, created and fashioned by liberty/ to compete with individual freedoms: ARE STRICTLY about the reality of threat that I may or may not create against society itself. Every other issue raised is about freedom and duty to society itself.

The court: So you're countersuit seems to be, as I understand what you have told me today, a claim that you should be allowed to raise the argument that other persons are even a bigger threat to you than you are to the public as a result of what you allegedly did in this citation.

The foundation raised: is redress of grievances/ the reality of a need for society to hear. What and how, it is being threatened. It is a guaranteed LEGAL right.

The court: This is not the proper forum to address that issue. I am not going to allow you to give the jury this case. I don't consider that you have a countersuit on file. We don't need to address the issues yet today in respect to whether you would ever be able to state a claim, because there's no responsive pleading to that.

The proper forum would be in federal and state court whereby the guaranteed right/ a first amendment law of the US constitution/ a guarantee of the state of IL constitution: is accepted by the judiciary: and provided as they are legally bound, to the public for their decision. As has been proven by abundant evidence in nearly each and every court case presented by the defendant: redress of grievances, the law of this land: has been desecrated with the clear purpose of destruction. By the judiciary. Cases in point US SUPREME COURT [08-1339](#), [11-100](#), and extra-ordinary writ [2023](#). Each proving the judiciary itself stands against this democracy, with the deliberate anarchy and rebellion of a conspiracy to deny one of the distinct foundations of our nation and state. That is treason.

The court: 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.

There is no discretion allowed within the judiciary to proclaim even this attempt to warn society, and give we the people OUR OPPORTUNITY to survive: is less than a rule 95% observed. Constitutional law is not a game/ the threat, coming from ANY SOURCE, that can destroy us all. CANNOT BE MISTAKEN for a game. Even if it is, from a defendant already slandered. The university is not god; which means if their theories are wrong: THIS WORLD DIES. How is that less, than your claim of a traffic case. When it is already proven: that no other access shall be given by which first amendment redress of grievances may obtain its LEGAL RIGHT to a jury.

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.

The judge begins to take over my defense/ the judge uses his position to begin prosecuting the trial himself. A jury of my peers includes the opportunity to present my own defense, as has been incorporated into the filing already sufficiently known to the true prosecutor/ regardless of contempt by the judge: my defense is my own. It is my property. It is my right under amendment 4 of the US CONSTITUTION. This right/ this property was seized. It is not yours to take/ it is mine: protected by law.

The court: You are trying to inject issues into this trial that have no presence as to whether you did or are did not disobey a stop sign, which is the fundamental issue in this case.

THE FUNDAMENTAL ISSUE: represented in this trial and every trial in any courtroom, IS WHAT IS BEST FOR SOCIETY. What will guarantee and provide the greatest peace, and the most literal harmony as determined by the jury themselves. The common cause of a jury trial: to remove the rule, and let society, as we the people decide: for ourselves. Its called democracy! The description of democracy for this nation is: "We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves

and our posterity, do ordain and establish this constitution for the United States of America.”  
I have fulfilled that obligation, and its duty as a citizen to society; with every legal attempt to gain the guaranteed right called redress. That includes this case. It is the court/ it is the judiciary and representative employees who do not want to be held accountable for what they did or did not do. That is illegal.

The court: If you want to proceed on these matters in another forum, you may certainly try to do so. But you're not going to do it in the traffic case in my courtroom. Do you understand that, Mr. Osterbur? 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.

There are no political matters: **WHERE THE END RESULT, CAN BE THE DESTRUCTION OF LIFE, NATURE, SOCIETY, OR ENVIRONMENT. These are strictly LEGAL MATTERS!** Having been reduced to traffic court, by the constant trafficking in criminal activities by the judiciary. Their deliberate intent to destroy a foundation legal guaranteed right of the constitution/ the absolute need for a jury is evident and real. Informing citizens that their lives are in danger by fools and failures and their fantasies or delusions of experimentation; their demand to play god with our very lives IS NOT TAINTING the jury. It seeks to protect and defend their lives, as it is my duty to do/ AND YOUR SWORN OATH. There is no discretion to do less than investigate a terrorist threat. There is no alternative to being wrong, other than our extermination as life on this planet. I am abused, by the judge.

THE COURT: All right. What's the basis of your objection? Tell me what your objection is.

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.

The clear and certain ability for a jury to determine WHAT IS FAIR/ is relative to the

punishment that is intended to be given. Without that information, the jury is stripped of its power to decide for society. Therefore the court/ this judge moves to discard the purpose of a jury: which is to be judged as a citizen, same as you/ NOT BY A RULE. Thereby Giving rulers, as this judge pretends to be; power over us.

The court: 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?

Without doubt, a clear and distinct demand for "cruel and unusual punishment" **without regard to justice or fair play. Therefore it is, and is intended to be "a threat"**. Which now has mushroomed, to this date: as the price for demanding to be treated as an equal (all of society does the same, at various times). \$459.90 for a transcript/ \$319.00 for a ticket/ \$25.00 for an appeal: equals \$803.90 for going one mile per hour through a stop sign. That is, "a cruel and unusual punishment" clearly NOT within constitutional design/ the expectation of justice/ nor anything that even remotely describes "fair play". The corrected term is OPPRESSION, and tyranny! Section 9 of the bill of rights; expressly forbids excessive fines/ the need to fight for justice, the duty it represents for society: is not frivolous, but required: ITS CALLED DUTY. Thereby this fine, is instead of justice, an extortion; by what then must be, a criminal enterprise.

A distinct violation of both the 14<sup>th</sup> amendment and it does envision the 13<sup>th</sup> amendment whereby the judge intentionally threatens "slavery (to work without pay/ because you are threatened or forced): as the punishment threatened, has no relation to the supposed crime/ "95% compliance with the rule is not enough. The judge then, requires servitude without justification". As money is not free, unless the endless counterfeiting, claimed as debt/ but is in fact thievery against the masses; by merely using inflation. Stolen by our supposed leaders/ because we do not participate in the numbers/ and they take the numbers to buy everything; soon we will own nothing/ therefore we are slaves, or soon will be.

It is further stated, throughout the three required appearances in a courtroom prior to this hearing: NOT ONCE was the reality of excessive and destructive to society, penalties mentioned. Rather this is, **representative of the declaration of independence**: "...he has refused his assent to laws the most wholesome and necessary for the public good (*as is redress of grievances*)....a right inestimable to them, and formidable to tyrants only (*everyone who does what is right/ does not fear accountability*)... **he has....for the sole purpose of fatiguing them into compliance with his measures** (*three times for nothing/ stealing my time, and the value of my days*)...in the meantime, exposed to all the danger of invasion from without, and convulsions within (*extreme threats, simply keep growing; our extinction faces us*)... To harass our people, and eat out their substance (*do the people not fear the courts/ indeed they do. That is your fault*)..... In every stage of these oppressions, we have petitioned for redress, in the most humble terms; our repeated petitions have been answered only by repeated injury. A prince whose character is this marked by every act which may define a tyrant, is unfit to be the ruler of a free people. (How, is redress not the very same today)? ...they too have been deaf to the voice of justice and consanguinity"!

HOW, is all of that, from over two hundred years ago; not true of the trial cases represented by this defendant. They are culminating with the three US supreme court cases established as evidence here? 08-1339 11-100, and the

extra ordinary writ 2023. The judiciary has defiled the position of judge/ OUR courtroom/ our democracy; is in open rebellion against our democracy.

THE COURT: You are also unaware of many other things, Mr. Osterbur.

I AM THREATENED, BECAUSE I SEEK JUSTICE/ DEMAND DUTY/ AND SUPPORT EQUALITY. The legal profession arises to demand "we will not obey justice or fair play"/ rather we will demand MONEY AND POWER TO CONTROL. Refusing, justice to pretend "the words or rules are more important than what is real, and valid for society" is corruption in its worst design. I need not be aware of everything, for a courtroom. I need only be aware of what is JUSTICE, RESPECT, AND FAIR PLAY; because these unite the people, and sustain their lives by the truth of what we chose. Things held in secret against a litigant, are like a snake hiding in tall grass so you cannot see them: waiting to strike. THAT has NOTHING to do with justice. Is the absolute design of a tyrant, clearly demonstrating the desire for power. Power has nothing to do with democracy; thereby a corrupt court or official. The ability to recognize and understand justice, to believe in fair play, or choose respect; has little to do with intellect. By the level of threat against us, the reality of what this leadership has done/ the reverse is true.

THE COURT: This theory of redress you have is a distortion of the Constitution, that I believe is not accepted by general public; it's generally accepted interpretations by scholars of the US Constitution, and that's why I don't want to even hear the word redress addressed to this jury.

The issue of interpretation is simple: as written within the constitution itself/ to be determined as a guaranteed right: meaning it has distinct LEGAL definitions. The court asserts, a constitutional guarantee/ the foundation of law, and our very democracy: IS NOT accepted by "the scholars" of the US constitution. How is that not illegal? DOES NOT "belong in his court": the constitution is the court, because it is the foundation of all authority in this democracy, as the people chose it to be/ the judge fails.

The court: You're trying to inject issues in here that appeal not only to class, but to political persuasion, to interpretations of the Constitution and 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.

Therefore this appeal DEMANDS: that the law called redress SHALL NOW BE INTERPRETED CORRECTLY, AND ESTABLISHED WITHIN THE COURTROOMS THROUGHOUT THIS STATE AND NATION. That is your job.

The judge alleges, that threats which gamble with our world, and everything we value as life, hope, future, and the ability to survive are political/ they are NOT. These are legal issues, that have only the most severe consequences if proven a risk to life and planet. Therefore NO CHOICE exists: we MUST have redress to determine by the evidence just how extensive failure will be. To see, IF WE CAN SURVIVE!

The interpretation of the courts in redress does not exist/ or they refuse to use it as the many cases of James F. Osterbur filed in both federal and state courts have proven without the slightest doubt. The courts further have no right of interpretation with regard to a constitutional guarantee. They swore to obey it/ they do not own it: they are employees. The corruption here, is with the courtroom, and its judge: the law of this land is not the judiciary/ but the constitution and its foundation documents the bill of rights and the declaration of independence: the guarantee of democracy is AS WE THE PEOPLE, ARE MOST SOVEREIGN HERE. We the people are, Directly under the contract that is our constitution. Employees, are NOT "our rulers", they never own the courtroom/ they are merely employees.

What we're going to decide today, that jury will decide, not me, but what the jury will decide is whether or not you stopped at that stop sign. That's the issue here. And if so, I will decide what the appropriate penalty will be. I think you've come to this proceeding with some totally unwarranted assumptions about what you're going to be able to raise, and it's just not going to be allowed in my courtroom.

This is our courtroom, and it does not exist for the purposes of a judge/ or his intent to control the jury as will be demonstrated later. Our courtroom exists under the direction of the preamble of the US constitution/ as it guarantees to the people both rights and law: creations of democracy ABOVE, being ruled. Thereby it restricts our employees from becoming rulers.

I am well within the direction and intent of the preamble of the US constitution/ and I am demanding one of its foundation guarantees: EQUAL in every extent, to the other first amendment issues, freedom of religion/ press/ and speech.

I do not believe they are appropriate. If you want to proceed on this in some other forum and see if you can get some other court to rule on your side that these are viable justiciable claims, you may certainly do so. But you're not going to be able to do it in the context of a so called counterclaim to a traffic charge. You've obviously spent a lot of time on this. I have a respect for the diligence, and devotion to what you apparently believe to put this all down in paper. But it's just not relevant to the issues of this case. So the objection that you not be able to argue these things to the jury is well taken. Anything else, Ms. Sharples Brooks?

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**What is appropriate for the rule of law, is JUSTICE FOR THE PEOPLE. What is appropriate for society, by its need and determination for peace and harmony in that society: is FAIR PLAY to all its members. There is no justice, when someone else gambles with my life/ steals my ability to decide for myself/ takes, my literal everything life can be.** Consequently the courts rob me of the securities provided by democracy itself: TO LEGALLY, make the people aware/ and to LEGALLY REQUIRE that are lives are not "fodder for fools". ACCOUNTABILITY, as is already too late, by the clear tragedy of financial failure in every level of this society under the direction of current leaders. Remains as the most probable means to identify and sustain our lives, by establishing the evidence, and

providing the decisions to ourselves.

What is necessary for peace is justice; justice is not a rule/ it is a relationship with society that proves equality for all. Fair play is not "determined by a judge"/ who gives himself wide latitude: "I can add one thousand dollars/ step outside the line, and I will throw you in jail for contempt". Rather fair play is defined by the constitution, when upheld by the court and the jury as a true representative of society itself. Not a guess, it is a foundation called respect: for WE THE PEOPLE.

THE COURT: While we're doing that, Mr. Osterbur, I will tell you that you'll have five peremptory challenges, the order we will proceed will be for me to examine well to give a cautionary instructions to the jury about what they're here for. To then read them the nature of the case. I'll introduce the before I talk to them about the nature of the case, I'll introduce you, and Ms. Sharples Brooks to them. Then I will ask questions on a voir dire, then the for each package the four the State gets to start on that.

**The question becomes:** what is the purpose of a judge in examining the jury instead of the prosecution or defense? This court is reminded: the case initiates on a stop sign, wherein 95% compliance with that rule, is not challenged. What great issue or fact or law conceives of; or needs the judge to intervene? A jury of my peers, **IS NOT a jury first selected by a judge.**

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.

The filings presented to the prosecution prior to trial/ The filings refused the jury; by the court now do come into play. They are provided as a separate notebook. They are presented to this appellate court, as the very same notebooks prepared for the jury. **They are the "heart and blood" of this trial.** The demand for justice that establishes the price: I demand redress!

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 redress? 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 –

Simply put: The judge "has no clue" regarding this foundation legal guarantee/ of the US constitution & the state of IL constitution. **A law equal** in all aspects by its inclusion in the first amendment: with freedom of speech/ press/ and religion. How is that "appropriate"? Reviewed: the US system of legal education for lawyers, as do become the judiciary is not only flawed/ but exists outside the constitutional boundaries of democracy. Thereby criminal in its content/ rebellious in its assertions/ and determined to be anarchists against we the people: by the clear refusal of our most basic guaranteed law and right.

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 redress 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

The judge "guesses"/ the reality of first amendment law CLEARLY: destroyed, discarded, and completely disrespected: by the judiciary itself. This law called redress: **is equal to freedom of speech/ religion, and press.** Are these without reference or understanding or precedent? No they are not. There is a conspiracy to keep this guarantee of the constitution of this USA out of the hands of WE THE PEOPLE. Proven here.

SPEAKER 3: I have looked for case law on redress 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.

Even the least judge in the hierarchy of court system of this USA understands, that redress is NOT litigated. Thereby the criminal actions of primarily the US supreme court: **which alone has the illegal power by its position TO DEMAND COMPLIANCE, OR,** to control a guaranteed right: by refusing its admittance within the courtroom, or by its appeal. That assigns a criminal conspiracy, against our democracy, as a nation/ as we the people: from "the top of the judiciary down".

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.

The gap widens between the foundation of democracy and the facts of a courtroom/ whereby the reality of our law, OUR GUARANTEE; is reduced to "learned people". Rather than our inherent right to hold our employees accountable, and represent ourselves as a democracy by deciding the most important issues as we the people: decided by our own vote. As is true democracy, the DECLARED purpose of this people.

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. But I will  
wait till we get the jury back, and hope that they come  
in soon so that we can get this trial. Even though you  
say it'll be a short trial, what we have to do takes  
awhile to get ready to present evidence. And so I hope  
we can get them down here soon.

*SPEAKER 3: Well, I'm arguing more that we  
have a right to intervene in someone who's gambling with  
our lives. We have a right to be informed of that.*

*THE COURT: Okay, but Mr. Osterbur*

*SPEAKER 3: And if we have a right to be  
informed of that, we need an opportunity to ask for  
that.*

*THE COURT: I understand what you're saying.*

*But I'm not going to allow you to raise that, that right  
that you perceive exists as a defense to a traffic  
ticket.*

SPEAKER 3: I understand.

The parameter of trial is then set at: **your lives/ your nation/ your future/ your children; etc: are unimportant here/**

only the rule matters.

The judge gives an opening statement, concluding with:

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.

We return to the reality of this case: one citation for failure to come to a complete stop, proceeding at roughly one mile per hour, (95% compliance) in a situation wherein none are threatened, and a clear view is had in all directions. I am therefrom defined "as a criminal"/ is not the same true of you?

The judge examines the jury ( selections as needed): begins page 28- trial begins page 91

THE COURT: All right. Would you follow the instructions of law which I will give you, even if you might personally disagree with an instruction,

Ms. Wells?

Interpreted: There is no room for the purpose of a jury: to think and act in societies best interest/ as they would have done for themselves.

PROSPECTIVE JUROR NUMBER 38: Will I

follow? Yes.

THE COURT: Yes, the question is, will you follow the instructions of law which I will give you, even if you might personally disagree with one or more instructions?

PROSPECTIVE JUROR NUMBER 38: Yes.

THE COURT: Mr. Bhonagiri, would you follow the instructions of law which I will give you even if you might personally disagree with one or more instructions.

PROSPECTIVE JUROR NUMBER 32: Yes.

THE COURT: Ms. Hamilton, would you follow the instructions of law which I will give you, even if you might personally disagree with one or more instructions.

PROSPECTIVE JUROR NUMBER 89: Yes.

THE COURT: And Ms. Mennenga, would you follow the instructions of law which I will give you, even though you might personally disagree with one or more instructions?

THE COURT: Now I have some questions I need to ask each of you, fairly lengthy, it's a group of four questions, and I want you to be aware that there are two aspects to this. I'm going to ask you as to whether you understand and also accept the principles that I'm going to ask you about. It's two parts, you have to indicate

if it and I want you to be truthful that you understand this principle, and that you accept the principle. All right. Ms. Wells, do you understand and accept that the defendant is presumed innocent of the charge against him.

PROSPECTIVE JUROR NUMBER 38: Yes.

The judge creates the illusion of superiority/ the assumption, that he sits in a position that cannot be considered "wrong". Thereby the element that is mass hypnosis erupts. Someone greater or stronger than you, shall protect your own life; if you believe in them, and do what they say. Even though the principle supported here is sound/ the reality of creating the examination of a juror/ forcing them to believe consequences can occur "be truthful": gives to the judge, an overwhelming advantage to direct and control the jury itself; through subliminal messaging, and the very fact it is a courtroom. Subliminal in all courtrooms, is the fact 'this judge, holds the keys to a prison cell"/ and as will be heard in this trial: "Say one wrong word, and you can be charged with contempt".

His job is NOT to control the jury. HIS JOB is to insure justice and fair play/ which he does not understand, as will be seen later. The element of mass hypnosis and jury tainting (I want you to do this): is evident in the result of this trial. This jury decides with the judge: that 95% compliance with the law is not enough/ in a situation proved to be non-threatening. Or more simply they choose to convict themselves; because all are guilty, of countless similar offenses. That is NOT consistent with human behavior. Therefore it is an event described by outside influences; a jury coerced.

THE COURT: Do you understand and accept that the defendant is not required to offer any evidence on his own behalf?

PROSPECTIVE JUROR NUMBER 38: Yes.

THE COURT: Do you understand and accept that before the defendant can be convicted, the state must prove the defendant guilty beyond a reasonable doubt

PROSPECTIVE JUROR NUMBER 32: Yes.

THE COURT: And do you understand and accept that the defendant's failure to testify cannot be held against him

THE COURT: Have you or any member of your family, or any friend, ever been charged with a criminal offense,

Q. How was your interaction with the police officer that gave you that ticket?

The judge wants ONLY those jurors, "that accept the police officer should always be considered: right ". That too, is tainting the jury/ because as is identified by this case: police officers lie/ they have wants, and expect rewards.

THE COURT: Have you or any member of your family ever of been a witness or a victim in a criminal

case, Ms. Wells?

THE COURT: All right, could you tell us the

circumstances?

The judge wants: only those jurors who can be considered to be "in sympathy with all aspects of the court system. Nobody with a real life experience, that does not support "what we do here"; need apply. That is NOT representative of society.

THE COURT: Ms. Pavia, would you give more weight to the testimony of a police officer just because that is his or her job?

THE COURT: So I'll ask the four of you this question and see what your answer is. Do you understand that as a juror you're required to consider the evidence in light of your own observations and experiences in life, Ms. Claussen?

THE COURT: Ms. Benison, have you or any member of your family ever been a witness or a victim in a criminal case?

Do you know Officer Sean Weary of the Gifford Police Department?

While each of these statements appear to be justified, the reality is to imply and assert, that each juror stands subject to the law/ the court has power; and thereby each juror is reminded by the composite of answers they must give, "the truth as a judge wishes to hear it." The potential in fear of judicial power is, over them/ are not all the answers exactly what you would expect, in the presence of a judge? A person being examined "for truth" by a judge? If you are examined by a judge/ DOES THAT not have the potential for consequences to you? **NOT THE SAME AS, being examined by the prosecution or defense! Therefore the judge does taint the jury!**

*Freedom, by its clarity is: a foundation of individuality that asserts, we need not fear anyone/ but may do as we choose so long as none are injured, or threatened in the process. An impartial jury: is one that sees themselves as free, to interpret the rules (but not the law), and define for the sake of society, what is in the best interest of us all. **A law is, a foundation of liberty expected by we the people as our inherent right to govern ourselves.** A rule is, an assumption of leaders or representatives, that gives them power, through an assumption of authority, or sovereignty that does not exist: **to control the people by proclaiming their rule** is law/ it is not. The difference a law and a rule: ***is freedom through democracy.*** A true jury, unaffected by fear: recognizes that if this rule is applied to me/ in any of its methods or ways; that I then agree with the penalty. *Therefore it should so be done to me.* **A jury that is NOT "TAINTED", understands that 95% compliance with a rule/ in a situation that is clearly non-threatening: expects a very minor penalty/ warning/ or nothing at all in terms of a citation. That is more than speculation/ that is the reality of life in this America, and the world. People always choose what is in their own best interest/ unless afraid or controlled by some other means. As has been proven, by the statement "95% compliance"/ a tiny infraction or a rule, is what we all do: IT CAN happen to you. Who then expects or believes, after being profiled/ stalked/ threatened/ and then fined excessively: "this is fair".** The answer is "very few"; definitely not 12 out of 12. Therefore fear through manipulation is*

evident, and proven as fact!

"A tainted jury"/ a corrupted practice, the judgment of peers IS NOT limited to a rule. The purpose of a jury is JUSTICE THROUGH FAIR PLAY/ consequently the penalty matters.

In common practice, a jury is entitled to rule for the sake of society/ it is never intended to be, a rubber stamp for the judge. Without the parameter of their own opinion as to what is right, for society itself, the jury of peers, does not exist. Their power to choose for society has been stolen!

Tainted juries are also proven, by the fact: without doubt the mean numbers of people in prison: MORE than any other civilized country in this world; one in 23 adults/ one in 28 children has a parent **behind bars**/ one in three Blacks/ one in six Hispanics/ one in 13 Caucasians. Source the news-gazette/ by Faye S. Taxman & Danielle S. Rudes 4/ 15/ 12.

These numbers do not happen by accident/ the failure is evident. The courtroom is corrupt. Which means: basic human rights/ the foundation of a jury trial: **we the people, for our society/ have been denied. Has been corrupted, or there would not be this grievous and oppressive result.** Rather than you the judge, **or your rules controlling society in the courtroom.**

We the people would not be forced into a courtroom, where I am called a criminal; for what is clearly illustrated as nothing more than a "tiny scratch to your car by a shopping cart". You may not like it, it may seem somewhat unfair/ BUT SOCIETY REQUIRES that we all accept minimal compromises to "perfection". It just ain't real, to expect more.

Mass hypnosis of the jury, whether intentional or not, comes into view: or more simply stated, the judge commands: "believe only in the rule, believe in your courtroom and me. Rather than believe only in truth, accept this fight for justice in all of society, is a duty. NOT life or rights belonging only to society itself/ but individuals expressed by freedom , who have earned the word RESPECT..

Nonetheless we begin with trial page 91 of the transcript some dialogue is left out here; as unnecessary.

-

A. Sean Weary, w e A r y.

Q. What is your occupation?

A. I'm the Chief of Police for the Village of Gifford

A. I was patrolling on the north end of town, which consists of several streets. But I was on Park Street, North Street, and Main Street.

A. I was patrolling on Park Street, going north, and I had observed the vehicle not stop at a stop sign. That's at Park Street and North Street, so I went west on Center Street to see if he would stop at the next stop sign. And the vehicle proceeded onto Main Street without stopping at that stop sign, so that's when I came up behind it, I was going to make a traffic stop make a traffic stop at 136 and Main Street, and then he proceeded not to stop at that stop sign, either.

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.

Q. Okay. Did you have a clear view of the stop sign at that junction from your location?

A. Yes.

Q. And what happened at that junction?

A. Well, the vehicle in front of me didn't stop at the stop sign, and I stopped to make sure that there was no traffic coming, and then I proceeded to initiate a traffic stop.

## Cross examination

Q. Are you driving \_\_\_\_\_ prior to being on the north

side, were you on the south side of Gifford?

A. No.

Q. You were not? Were you parked behind me on Plum Street prior to seeing me go through a stop sign?

A. No.

Q. Did you follow me through three stop signs?

A. No.

Q. When I was \_\_\_\_\_ when you stopped me on the interstate \_\_\_\_\_ or not the interstate, on 136, immediately after the stop sign I got out of the vehicle, did I not?

A. Yes, I asked you to return to your vehicle.

Q. Yes, you did. So when I was outside the vehicle you saw that I had no weapons of any kind. There was no reason for any concern.

A. Okay, other than you getting hit on 136 from a vehicle passing by.

Q. That was my own personal

A. Yes.

Q. So I got back into the vehicle, you took some time before you came up?

A. Yes.

Q. I looked into the side view mirror and noticed you, that you immediately grabbed for your pistol and tried to get it out. So I looked back, because that is a threat. Do you recall that?

A. No.

Q. Do you recall that \_\_\_\_\_ that I asked you only one question when we were standing there behind the vehicle, discussing the ticket, and the only discussion there really was, was did I threaten anyone? Did I \_\_\_\_\_ was there any risk to anybody during these trips through the stop sign?

Q. Was there ever anyone threatened? Was there traffic, or people, or dogs, or kids, or anyone at any of these locations that would have been endangered by me?

A. Not at the time, but the potential is there.

Q. If there's no one there at the time, then the potential is not there? Was there a clear view at each

of these stop signs so that you could see clearly in both directions prior to getting to that stop sign?

A. I wasn't in your vehicle. I don't know.

Q. Well, you were in your vehicle, you have windows in your vehicle. Could you see?

A. I can see, yes, I can see out of my vehicle.

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.

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 —

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?

A. My basically was that you were going through the stop sign without stopping.

Q. Well, all right. So do you recall what I I said that there was a reason why I didn't notice you in my rear view mirror?

A. No.

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.

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

Q. Were you on the south side first?

A. I patrol the whole town every day, yes.

## Redirect by the prosecutor

.Q. How big is that village, approximately?

A. It's a mile long by. I don't know, maybe an eighth of a mile wide.

Q. And did the defendant stop at the stop sign at the junction of Route 136 and Main?

A. No.

## Defendant testifies

A. All right. I was driving into the City of Gifford

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.

THE COURT: I agree that it's not speculative, but it is not relevant. So I'm going to overrule the objection on the basis of speculation, but I will sustain the objection on the basis that this is not relevant.

DEFENDANT MR. OSTERBUR: The relevancy would be that he had to have identified me with some

sort of prejudice, because why would he be going one way, when I was driving the speed limit?

DEFENDANT MR. OSTERBUR: All right. The police car was sitting behind me, it was not traveling, it was sitting, standing still. When I left 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. I went one block to the next corner, because I had to get back to the road, looked both ways. There was no one there, it was a clear view. It was absolutely it was a side street in Gifford, Illinois, very quiet. There was no threat to anyone. I did go to the main street, one block away. I stopped there, and I looked both ways, because it wasn't a clear corner, it had to be stopped. And finding that no one was there, I then proceeded to the corner of 136, and I approached that with I went through it about one mile an hour there, too. And that's because the traffic was allowed me to do so.

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. So I believe that justice assumes that there is some sort of threat, or some sort of risk to society, or there is no real cause for penalty in this case. There is extenuating circumstances, in that people dying of cancer that you know do affect your opinion just a little bit. I'm not saying that's necessarily a good thing, but I'm saying we all experience it.

So my 40 years or 50 years or whatever it is of driving time at this point, having not one more traffic ticket that I can remember, at least for a very long time, indicates that I am a very safe driver. And I can tell you that the fine for this particular occurrence

MS. SHARPLES BROOKS: Objection, your Honor, that is improper testimony to talk about.

DEFENDANT MR. OSTERBUR: It is excessive.

THE COURT: This Mr. Osterbur, why would this be considered to be relevant testimony as opposed to being argument?

DEFENDANT MR. OSTERBUR: Fair play understands that the punishment must fit the crime.

THE COURT: Well, the statute sets what the

fine is. And while there are many considerations

DEFENDANT MR. OSTERBUR: Fair play

THE COURT: that go into that, you have not been convicted at this point. We're not going to argue about what the disposition should be if you are to be convicted. The objection's well taken. I'm going to direct you not to address arguments to what the fine might be, or what it should be. Do you have any other testimony you want to give?

DEFENDANT MR. OSTERBUR: I believe that the whole thing is a threat. Well, let's just look at it as called a criminal case, and because, you know, 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 COURT: Do you have any more testimony in that respect?

DEFENDANT MR. OSTERBUR: When you say that I you're dealing with whether I, you know, broke a rule, the that really just states whether or not what is fair about the rule, or what is a fair punishment for the rule?

THE COURT: We're not discussing fair punishment at the this point. You have not been convicted. As to whether or not the court should listen to you argue about whether the statute is fair, I am not

going to do that. The statute is in black and white. It is what it is. The legislature's collective decision on a matter, signed by the governor, and approved into law is what we have to deal with here. It's not up to you or any other driver to decide whether or not you believe that is fair, and should decide whether or not, based on your interpretation of fairness, obey it. Do you have any factual testimony, more, that you want to give?

## Cross examination of defendant

Q. Mr. Osterbur, you said that at the first stop sign you came to you decided not to stop there?

A. I did not decide not to stop there. I looked both ways, and I proceeded through. It was simply a matter of of I was thinking of the person who had cancer, and I went through.

Q. You looked both ways?

A. But I was very, very careful.

Q. You looked both ways before you went through?

A. I did.

Q. And you did not stop?

A. I did not stop.

Q. Okay.

A. I proceeded through at one to two mile an hour.

Q. At the second stop sign you came to you looked both ways?

A. I looked both ways.

Q. And you decided not to stop?

A. I did not decide not to stop, I simply went through. And my mind was literally on the cancer victim.

Q. But your mind was on driving enough that you decided to look both ways?

A. I carefully drive, as does my drive as does my record prove.

Q. Now the stop sign at Route 136 and Main Street, you looked both ways at that junction?

A. I did.

Q. And you drove through it at one mile per hour?

A. I recognized that the traffic was such that it was more prudent to go through and than to, you know, plug up the traffic there was no traffic to be plugged up, but as you drive through society, or as you drive —

## redirect testimony of the defendant

DEFENDANT MR. OSTERBUR: The whole idea

of of, you know, of this particular stop sign, and this particular fine are subject to the reality of what we do. The and I forgot to ask, you know, I know if you drive two mile an hour over the speed limit, is that worth a ticket, and is that worth a fine? Technically DEFENDANT MR. OSTERBUR: But it is if you go through a stop sign at one mile an hour, it is very equivalent to getting a speeding ticket at two mile an hour over the speed limit.

THE COURT: Well, that's

DEFENDANT MR. OSTERBUR: No one is not guilty of going over the speed limit at two mile an hour.

DEFENDANT MR. OSTERBUR: There would only be the issue of, I forgot to address with the police officer of how many tickets that he does write at one to two mile an hour over the speed limit.

THE COURT: That would not be relevant,

either.

DEFENDANT MR. OSTERBUR: So I believe

we're done.

In this portion of the trial: the differences in testimony bring the question "who is lying here"? Tainted jury aside, the reality is we both cannot be telling the truth. *My testimony is, the police officer was parked at the house behind me waiting on plum st. his is "going down the road, sees me go through one stop sign/ he follows me through not more than two stop signs. A police officer is guilty of stalking if he follows you through three stop signs changing directions. This officer followed me through four stop signs each changing directions. My testimony is I stopped completely before going onto main st, because there was an obstruction in my view. We cannot both be correct/ one is lying.*

Even though there is no doubt I did not come to a full and complete stop at three stop signs: I give testimony to that fact. The reality of a threat to anyone, to any property or creature did not exist. The reality of "common behavior" does come into view. Did I lie, or cover up anything; even though I faced an excessive fine? No, I did not. If however the police officer is found guilty of stalking/ he will face a punishment: therefore he has "cause to lie". Only one can be telling the truth. The question is then: WHY would this be important to "the chief of police in Gifford"/ unless it affects his position or his pay?

### Instruction conference

THE COURT: Show motion to withdraw 2(A).

Any objections to that?

DEFENDANT MR. OSTERBUR: I would object

to that.

THE COURT: Why?

DEFENDANT MR. OSTERBUR: There are things that should be considered beyond the simple rule.

THE COURT: Well, that doesn't necessarily

fit this instruction, and if you were to if it were

proper to argue that. I will give Instruction 1(A) over

objection.

All right, 1(B).

Justice is not a rule/ it is a right, or it is a reality of society established by common behaviors. Justice is not a legislative decision, in democracy it is the decision of the people themselves. While that may be considered as a partition of democracy to allow others to decide in out stead. The reality of justice itself CANNOT be argued outside the realm of social realities: perfection to a rule DOES NOT BELONG. That is tyranny.

THE COURT: Show motion to withdraw 2(A).

Any objections to that?

DEFENDANT MR. OSTERBUR: I would object

to that.

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)?

CONSTITUTIONAL LAW BELONGS IN EVERY COURTROOM WITHOUT DISTINCTION: it is our protection, from rulers.

THE COURT: That'll be given without

objection. People's 10, any objections?

DEFENDANT MR. OSTERBUR: I do.

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 foundation of every defense is simply: I WILL be heard, AND justice does NOT, require an extensive education. The critical reality of law is: DUE PROCESS demands a decision that is fair, and NOT adulterated with rules, or other irrelevant and needless detractions from the word called: **FREEDOM**. Freedom is the establishment of significant and real assignments that control society and the individual ONLY when a threat is significant, the potential for failure is beyond what truth will allow, or "its just plain my right" to live within peace and harmony for society, regardless of your rules. A rule, is then the desire of a few: to punish the rest/ to control the rest/ or to enslave the rest, by proving "you didn't do, EXACTLY what I said". That is "the sound of a dictator". Not democracy.

### Jury returns/ closing argument prosecutor

MS. SHARPLES BROOKS: Everyone is required to obey the law all the time. This defendant is guilty of not stopping at the stop sign at Route 136 and Main Street. The officer took the stand and told you that he saw this defendant not come to a complete stop. And then the defendant took the stand and told you that he went through that stop sign at one mile per hour. People do not get to decide when they will and will not obey the law. On November 30th this defendant decided he didn't need to obey the law. That is simply not true.

There is no debate about whether everyone must obey the law/ including the judiciary that refuses to obey fist amendment redress of grievances: THAT IS A CRIMINAL OFFENSE/ an act of rebellion, and a conspiracy against we the people. This prosecutor fails to recognize JUSTICE; AS IS CLEARLY EVIDENT in the uncontested fact: that I was going "one mile per hour" without threat to anyone or anything. Therefore the prosecutor argues running a stop sign at 30 mph or more/ is the very same thing as going through a stop sign, diligently looking, being aware of the traffic or lack thereof and proceeding through at "one mile per hour/ 95% compliance with

the law". They are not the same! Consequently the rule, which she calls a law: IS HORRIBLY DEFICIENT for the needs of society/ and tampers with our very fabric as a community or state or nation. Because there is a difference! It is NOT "BLACK OR WHITE". CONSEQUENTLY, THE PROSECUTOR PROVES: neither justice nor fair play are involved here/ simply the rule. The rule proves to be, "a tyrant". The rule proves to be in defiance of our reality as a society, a gain only to those who want to play RULER. Rulers divide society, creating disharmony and strife throughout. Rules prove to be the means of a few; to "incarcerate, punish, or make them all FEAR US"; as is clearly happening in this society today. The courtroom proves itself to be, an enemy of this democracy; not a friend!

Once we are both finished with our closing arguments, the judge will read you some instructions, they're called jury instructions. You'll get a copy of these to take back to the jury room with you, so you don't need to worry about writing them down.

But I do want to draw your attention to one particular instruction, and this is the instruction that tells you what the State has to prove in order for you to find the defendant guilty of disobeying a traffic control device.

It reads, "To sustain the charge of failing to obey a traffic control device, the State must prove the following propositions:" The first proposition is that the defendant drove a vehicle, and the second proposition is that when the defendant did so, he failed to obey the instructions of any official traffic control device.

So this is easy. We know he was driving a vehicle, because he told us he was. The officer also told us he was. But the second proposition, we know that when he was driving on November 30th, he failed to obey the instructions of any official traffic control device.

He did not obey a stop sign.

We know that he did not, because the officers saw him disobey that stop sign when he was right behind him, and we know that he didn't obey that stop sign, because he, himself, told us that he did not obey that stop sign.

The only issue here today is whether the defendant came to a complete stop at that stop sign as the law demands, and clearly he did not, so the State requests that you return a guilty verdict.

IF LIFE, was as simple as a rule; there would be only rulers and slaves. Democracy is built upon the proposition that life is not fair/ therefore we must defend ourselves. We must unite, so that no one shall rule over us all. We must guarantee to ourselves certain

*"inalienable rights; that among these are life, liberty, and the pursuit of happiness. That to secure these rights governments are instituted.....laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness." Declaration of independence.*

When 95% compliance with a rule is NOT enough/ it is the "government rulers" that have proven to be beyond

the limits democracy, and freedom, even law itself demands. Because THERE ARE NO "perfect people". When 95% compliance has no room for freedom/ when we are the most imprisoned people in the civilized world: "..... *THERE IS, a long train, of abuses, and usurpations pursuing invariably the same object, evinces a design to reduce them under absolute despotism.....*" *declaration of independence.*

## Closing argument, defendant

DEFENDANT MR. OSTERBUR: Yes, I

understand. But this is part of the trial. This was prepared for you. It is not allowed. Even though it is about threats that are concerned that. Irregardless, this is I'm not saying I didn't go through the stop sign, I clearly say that I did. *It was very safe, it was very effective, it was part of what we all do in lots of ways, in lots of things.* And just as a mile an hour over the speed limit is not justification for a lot of things, for a ticket, because of the number of factors, neither is going through a stop sign, and everything is clear, and safe, and obvious to somebody else.

*I'm here for justice rather than \_\_\_\_\_ than a rule of law. Justice doesn't exist as a rule. It doesn't exist as a part parcel of what we are as a society. We decide what is just, and we decide, or we're supposed to decide, that's the idea of democracy, what is justice, what is fair play, and the truth is, you cannot decide what is fair, or what is just unless you know the penalty. The penalty for this is excessive and extreme*

MS. SHARPLES BROOKS: Objection, your Honor.

DEFENDANT MR. OSTERBUR: And I'm told that penalty is ten times over what that

THE COURT: Objection is sustained. I'm going to direct you not to address the penalty.

*DEFENDANT MR. OSTERBUR: But the penalty is part of the process of being fair.*

THE COURT: You are directed not to address the penalty.

DEFENDANT MR. OSTERBUR: All right, so *the judge says that you can't decide what is fair and are or just,* you can only decide what is whether or not I went through the stop sign. I did go through the stop sign. *I went through safely. I went through with concern for all people and property. I have proceeded through all manner of driving, and I have driven a lot throughout 40 years or thereabouts, and have no tickets, and no accidents, and have proven that I can \_\_\_\_\_ am in fact a very safe driver.* This is a this is an anomaly, or this is a situation isn't normal. And consequently, *I believe that justice doesn't deserve the price that is attached.*

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 court, summation

THE COURT: Members of the jury, the evidence and the arguments in this case have been completed, and now I will instruct you as to the law. The law that applies to this case is stated in these instructions, and it is your duty to follow all of them. You must not single out certain instructions, and disregard others. It is your duty to determine the facts, and to determine them only from the evidence in

this case. You are to apply the law to the facts, and in this way decide the case. Neither \_\_\_\_\_ you're not to concern yourself with possible punishment or sentence for the offense charged during your deliberation. It is the function of the trial judge to determine the sentence, should there be a verdict of guilty.

Neither sympathy nor prejudice should influence you. From time to time it has been the duty of the court to rule on the admissibility of evidence. *You should not concern yourselves with the reasons for these rulings.* You should disregard questions which were withdrawn, or to which objections were sustained. Any evidence that was received for a limited purpose should not be considered by you for any other purpose.

You should disregard testimony which the court has refused or stricken. The evidence which you should consider consists only of the testimony of the witnesses which the court has received. You should consider all of the evidence in the light of your own observations and experience in life.

Neither by these instructions, nor by any ruling or remark which I have made, do I mean to

indicate any opinion as to the facts, or as to what your verdict should be. Faithful performance by you of your duties as jurors is vital to the administration of justice.

Only you are the judges of the believability of the witnesses, and of the weight to be given to the testimony of each of them. In considering the testimony of any witness, you may take into account his ability and opportunity to observe; his age, his memory, his manner while testifying; any interest, bias, or prejudice he may have, and the reasonableness of his testimony, considered in the light of all the evidence in the case. You should judge the testimony of the defendant in the same manner as you judge the testimony of any other witness.

Opening statements are made by the attorneys to acquaint you with the facts they expect to prove.

Closing arguments are made by the attorneys to discuss the facts and the circumstances in the case, and should be confined to the evidence, and to reasonable inferences to be drawn from the evidence. Neither opening statements nor closing arguments are evidence, and any statement or argument made by the attorney which is not based on the evidence should be disregarded.

Those of you who took notes during trial may use your notes to refresh your memory during trial deliberations. Each juror should rely on his or her recollection of the evidence. Just because a juror has taken notes does not necessarily mean that his or her recollection of the evidence is any better or more

accurate than the recollection of a juror who did not take notes.

When you're discharged from further service in this case, your notes will be collected by the deputy and destroyed. Throughout that process your notes will remain confidential, and no one will be allowed to see them. The defendant is charged with the offense of disobeying a traffic control device. The defendant has pleaded not guilty.

The charge against the defendant in this case is contained in a document called the citation. This document is the formal method of charging the defendant and placing the defendant on trial. It is not any evidence against the defendant. The defendant is presumed to be innocent of the charge against him. This presumption remains with him throughout every stage of the trial and during your deliberations on the verdict, and is not overcome

unless, from all the evidence in this case, you are convinced beyond a reasonable doubt that he is guilty. The State has the burden of proving the guilt of the defendant beyond a reasonable doubt, and this burden remains on the State throughout the case. The defendant is not required to prove his innocence. Circumstantial evidence is the proof of facts or circumstances which give rise to a reasonable inference of other facts which tend to show the guilt or innocence of the defendant.

Circumstantial evidence should be considered by you, together with all of the other evidence in the case in arriving at your verdict. A person commits the offense of disobeying a traffic control device when he fails to obey the instructions of any official traffic control device. To sustain the charge of failing to obey a traffic control device, the State must prove the following propositions: First proposition, that the defendant drove a vehicle; and second proposition, that when the defendant did so, he failed to obey the instructions of any official traffic control device. If you find from your consideration of all the evidence that each one of these propositions has been proved beyond a reasonable doubt, you should find the defendant guilty.

If you find from your consideration of all the evidence that any one of these propositions has not been proved beyond a reasonable doubt, you should find the defendant not guilty.

When you retire to the jury room, you'll first elect one of your members as your foreperson. He or she will preside during your deliberations on your verdict. Your agreement on a verdict must be unanimous. Your verdict must be in writing and signed by all of

you, including your foreperson. The defendant is charged with the offense of failing to obey a traffic control device. You will receive two forms of verdict. You should you will be provided with both a not guilty and guilty form of verdict.

From these two verdict forms you should select the one verdict form that reflects your verdict and sign it as I have stated. Do not write on the other verdict form. Sign only one verdict form.

And you have you are given two verdict forms. You will note that the top line is for the foreperson's signature, and then already 11 lines below that. It's not of any great importance what order you sign. But the foreperson is to sign on the top one.

Officer, if you can come over and be sworn.

(The court officer was sworn to attend the jury during deliberations.)

## Verdict guilty

### SENTENCING:

THE COURT: I have a request for \$150 fine, and implicit in that is court costs also, Mr. Osterbur.

What is your argument as whether I should or shouldn't set the fine at that amount?

DEFENDANT MR. OSTERBUR: You heard the testimony, Judge, I leave it up to you.

THE COURT: All right. The defendant, in effect, asks the court to recollect the various testimony and arguments that were adduced during today's trial. I believe that the amount requested by the State

is probably lower than I would assess otherwise, given the facts I heard about the commission of this offense.

But I will agree to the \$150 fine, and set the fine at \$150 plus court costs, find the defendant guilty of failing to disobey a traffic control device, enter judgment on that and on the sentence.

Now let me say one thing that caused me to go downward and agree to the State's position on this.

Mr. Osterbur, I know you have spent a lot of money for copying and for services to obtain the binders here.

You have not treated the defense of this case lightly.

So in effect, what you're having to pay does not include all of those things

The foundation event here in this trial is harassment/ this courthouse, this representative of the judiciary/ this representative of the attorney general's office as have lost significant and real legal battles with me in several other trials: even though the truth did not win for society. Rather a variety of rules and excuses insignificant and delusional to the cause of society and the value of a constitution discarded that truth. More simply, "these leaders" play; and prove, their desire is to be "rulers"/ not employees, not bound to the law or justice; but tyrants.

This evidence and the other cases established by James F. Osterbur throughout the court system of this state and nation. Do then establish, support, and validate the critical demonstration: the constitution does not rule here. A critical conspiracy to deny constitutional first amendment redress of grievances does exist here: by the judiciary in open rebellion. The foundations of justice and fair play, that ARE INTENDED to rule in a courtroom are not law here. The cause and descriptions of democracy are not respected here. The cause called justice, nor the realities called fair play do not exist here: they are games to be played among the living, with rules/ thereby creating of themselves, "rulers". The penalties and attempts to control society by incarceration, are filled with lies here: not validated by truth, nor reality. How is that, the legal justification; what does that prove, our leaders have done. In a trial that seeks through constitutional law to defend this nation/ this people/ their children/ all of nature/ and this world: BECAUSE THE EVIDENCE OF THREATS ARE SO SEVERE, that only the insane and absolutely delusional cannot hear them. The reality is/ these representatives of a humanity nearing death fails to "wake up". These "leaders" who have been educated to protect "their own army of diplomas, which have so clearly stolen our lives, our property, our democracy, and now clearly threaten to make us extinct: are so DAMNED worried they will lose their power/ their pride/ and their greedy purposes. They choose to let us die. They choose to let the entire planet die. And they command the jury, "Be certain: NO MERCY HERE". For an insignificant event, that literally is within 95% compliance of a rule, wherein nobody nor anything was threatened at all. That is the deliberate action intended to destroy freedom, and establish tyranny.

This courtroom/ this system of judiciary and its partners MUST be investigated for truth; and re-established for life. That is done, with redress/ THE LAW which gives we the people POWER OVER our employees. OUR NATION/ OUR STATE, not theirs. OURS!

**appealed on the grounds: JUSTICE, AND FAIR PLAY; ARE GREATER THAN A RULE! Democracy understands that, and assists responsible freedom! WORKING** deliberately for peace, which can only be found through sympathy justified by life; and its foundation principle: UNITED MEANS, we choose through respect, to defend each other/ and our world. Harmony assists, through understanding we are the owners here, NOT "the slaves". Our lives, our nature, our home; IS NOT for sale/ IS NOT to be gambled with/ IS NOT to be threatened either from within or without. Rather we are THE PEOPLE who own our right to control our own lives/ we OWN our rights guaranteed through the constitution, including redress/ and WE OWN the sovereign authority to make changes as we see fit, to the foundations or realities of those employed who have pretended to help; while in fact proved treason. Not a game.

**proof of service:**

I, James F. Osterbur, do hereby declare and prove that I have sent in this day MAY 25, 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**  
**201 w. Monroe st. Box 19206 Springfield IL 62794**

**Champaign County courthouse 101 E. Main, Urbana IL 61801**

**STATE OF IL attorney general office**

**500 S. Second st. Springfield IL 62706**

and city of Gifford, box 308, 308 S. Main st. Gifford IL 61847