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IN THE CIRCUIT COURT FOR
THE SIXTH JUDICIAL CIRCUIT OF ILLINOIS
URBANA, ILLINOIS

THE PEOPLE OF THE STATE)
OF ILLINOIS,)
)
Plaintiff,)
)
VS.) No. 2011 CF 22442
)
JAMES F. OSTERBUR,) JURY TRIAL
)
Defendant.)

TRANSCRIPT OF PROCEEDINGS

BE IT REMEMBERED AND CERTIFIED, that on, to-wit:
The 12th day of April, 2012, the following proceedings
were had in the aforesaid cause before the Honorable
BRIAN L. MCPHETERS, Judge Presiding.

APPEARANCES:

MS. CLAIRE SHARPLES-BROOKS MR. JAMES F. OSTERBUR
Assistant State's Attorney Defendant
For the People; Appearing Pro se.

Proceedings transcribed
By Nancy Sivertsen, CSR, Official Court Reporter
Sixth Judicial Circuit, Urbana, Illinois

1 THE COURT: James F. Osterbur. The People
2 are present by Assistant State's Attorney Claire
3 Sharples-Brooks. Mr. Osterbur is present pro se.

4 I understand, just for information purposes,
5 that they're having difficulty getting all the jury
6 documentation, you know, those little -- the list of
7 who's in the venire, and their sheets filled out, so
8 it's going to be a little later.

9 All right. Ms. Sharples-Brooks, you had
10 indicated you had a motion or something.

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

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

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 You had withdrawn the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

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

20 THE COURT: So there's not really anything
21 pending in that regard at this time. Did you hear that,
22 Mr. Osterbur? They are reiterating their belief that
23 you are fit to stand trial.

24 DEFENDANT MR. OSTERBUR: Yes, sir.

1 THE COURT: All right. Do you have any
2 questions about that issue? In other words, do you
3 believe you're fit to stand trial?

4 DEFENDANT MR. OSTERBUR: I do.

5 THE COURT: You do? All right. Anything
6 else, Ms. Sharples-Brooks?

7 MS. SHARPLES-BROOKS: No, your Honor.

8 THE COURT: All right. Mr. Osterbur, the
9 staff's told me that you have a blue-sleeved binder you
10 want to give to all jurors; is that right.

11 DEFENDANT MR. OSTERBUR: I do.

12 THE COURT: All right. Have you had a
13 chance to read through that, Ms. Sharples-Brooks?

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

17 THE COURT: Excuse me.

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

23 In addition I would object to, I believe it
24 is -- I may be wrong, correct me if I'm wrong, but I

1 believe that Mr. Osterbur just wants to give them this
2 packet?

3 DEFENDANT MR. OSTERBUR: I intend to give
4 them the entire notebook, the -- I'm asking them to
5 read the -- the this part that is inside the notebook,
6 and this would be the summary of basic concerns, and the
7 notebook itself are details regarding these issues in
8 substance. So the issue being that I am accused of
9 threatening the public by not quite obeying a stop sign
10 to the whole letter of a complete stop. I went through
11 it like one mile an hour. And since you're accusing me
12 of threatening the public, or risking the safety of the
13 citizens, I'm counter-suing that my life is threatened
14 in far greater ways, and these are the ways that it's
15 threatened, and therefore you say that I should --
16 should do something for you. That is, pay 120 dollars
17 for that discrepancy of going through a stop sign. And
18 I believe you should do something for me, instead, as a
19 counter-suit, and that would be that we, the people,
20 should be able to see the threats that are against us in
21 this life. The threats that literally can take our life
22 away, if the scientists, who believe that they can do
23 these things prove to be wrong.

24 Fusion, the same fire that is on the sun is

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

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

15 SPEAKER 3: My position is --

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

20 SPEAKER 3: That's not quite right. I
21 believe that you are assuming, or asserting that I
22 threatened the public. I'm counter-suing that the
23 leaders of this state, or this nation, or this
24 courtroom, or whatever, are threatening me. And as the

1 reality of that, I should be able to present that
2 defense to the jury itself.

3 THE COURT: I'm not sure if
4 Ms. Sharples-Brooks was finished with her argument.

5 MS. SHARPLES-BROOKS: Your Honor, I object
6 to the first 20 pages that is stapled to the exhibits,
7 as I feel it confuses the issues, misstates the issues,
8 and also brings up several irrelevant things to this
9 trial, such as miniature stars, or the temperature of
10 the ocean, or fusing human cells with rabbit eggs. I
11 don't think any of that is really on point for the trial
12 today, so I would object to the jury being given this.

13 THE COURT: All right. Anything else, Mr.
14 Osterbur?

15 SPEAKER 3: A threat is a threat, and if you
16 assembled a jury to decide whether or not I threatened
17 the public, then I should be able to assemble a jury to
18 say that these leaders, these university people, this
19 military, whatever it is, is threatening me, and as a
20 consequence, I should have the right to ask the public
21 to ask the are jury to convene a hearing, and listen to
22 the evidence, and make a decision based on the evidence
23 that I just presented. It's not anybody's right to
24 gamble with my life. It's not anybody's right, I don't

1 care who you are, to gamble with an entire state or
2 nation, or world, such as is fusion, such as is
3 mutilating life, and changing it, and trying to make
4 people and animals among genetic combination. You know,
5 it's simply not fair.

6 THE COURT: All right. I have a question,
7 Ms. Sharples-Brooks. I don't know if this anticipates
8 what you're going to argue are or not. But I do need to
9 know, in evaluating your arguments, I saw in here that
10 there was a document filed -- a document mailed to the
11 Attorney General of the State of Illinois back in either
12 November or December. Do you recall what that was?

13 SPEAKER 3: I do.

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

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

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

23 SPEAKER 3: I -- I didn't understand that
24 question.

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

3 SPEAKER 3: I did not.

4 THE COURT: Where did you file it?

5 SPEAKER 3: This is simply the trial filings
6 that were presented to the court and have already been
7 placed. This countersuit, the very named countersuit,
8 has not been used until this time. But the event, or
9 the purpose of a countersuit is clear throughout the
10 filings that I made, and the direction that that trial
11 would take are clear in those filings.

12 THE COURT: Well, you've not -- this is the
13 12th of April. You've not brought this up until today,
14 you know, you filed that back in January. I am going to
15 hold that your document, called a countersuit is not an
16 appropriate response to the traffic charge against you.

17 You seem to have a misconception. The
18 traffic charge is not a claim that you're a threat to
19 society, or other motorists because of the specific acts
20 that you allegedly did or didn't do. It's a charge you
21 violated the Vehicle Code of the state of Illinois. Now
22 overall, the Vehicle Code may have its purpose,
23 protecting the citizens of this state and other persons
24 on or about the highways. However, they are not saying

1 that what you did is a specific threat to those people.
2 So you're countersuit seems to be, as I understand what
3 you have told me today, a claim that you should be
4 allowed to raise the argument that other persons are
5 even a bigger threat to you than you are to the public
6 as a result of what you allegedly did in this citation.
7 This is not the proper forum to address that issue. I
8 am not going to allow you to give the jury this case. I
9 don't consider that you have a countersuit on file. We
10 don't need to address the issues yet today in respect to
11 whether you would ever be able to state a claim, because
12 there's no responsive pleading to that.

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

19 As I say, I'm not going to allow you to give
20 one of these booklets or any part thereof, or any
21 portion of it, to the jury. Now I will address
22 everyone's attention to, about a third of the way
23 through, there is a set of four pages, pages one through
24 four, that start out: "Jury Selection Questions."

1 Basically it starts, "Even though I do not get to select
2 the jury, the reality is that you should be aware of
3 what is expected of you." And then it's got Jury
4 Selection Questions.

5 I believe that every one of these is
6 directed in some way or another to an interpretation of
7 constitutional law, or to a perception of whether there
8 is the threat that Mr. Osterbur has referred to in his
9 counterclaim. I am not going to give this to the jury.
10 I am not going to allow Mr. Osterbur to ask these
11 questions to the jury, the potential jurors.

12 You are trying to inject issues into this
13 trial that have no presence as to whether you did or are
14 did not disobey a stop sign, which is the fundamental
15 issue in this case. If you want to proceed on these
16 matters in another forum, you may certainly try to do
17 so. But you're not going to do it in the traffic case in
18 my courtroom. Do you understand that, Mr. Osterbur?
19 I'm denying you the right to give these questions to the
20 jury. I'm denying you the right to give this booklet,
21 this loose-leafed binder, or any parts of it to the jury
22 are. It introduces totally irrelevant arguments here,
23 some of which are clearly directed to inflame the
24 passion and prejudice of the jury, some of which are

1 directed to discussions of political matters, and it's
2 just not going -- you're not going to be allowed to
3 taint this jury pool by doing this.

4 SPEAKER 3: All right.

5 THE COURT: Ms. Sharples-Brooks, do you have
6 any other observations.

7 MS. SHARPLES-BROOKS: Your Honor, I would
8 just like to make an oral preliminary motion to bar the
9 defendant from mentioning orally any of these threats
10 that are involved in the binder.

11 THE COURT: All right. Any objection to
12 that, Mr. Osterbur?

13 SPEAKER 3: Of course I do.

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

16 SPEAKER 3: I still believe that it's
17 important for the public to know. I believe that it's
18 relevant to the case, and I do intend to bring up the
19 issue that a 120 dollar fine for a, walking through a
20 stop sign at one mile an hour is excessive, and I
21 believe that that should be addressed on the -- by a
22 re-dress of court, that would allow a -- some more
23 realistic punishment for any crime, for any pay crime
24 such as this, to me. It's not fair when somebody makes

1 a million dollars a year, a 120 dollar fine to them is,
2 is nothing. It is a very big thing if a defendant who
3 makes \$5,000 a year, and you charge him 120 dollars for
4 the same thing.

5 THE COURT: Well, I'm not going to allow you
6 to address the argument that the fine is any particular
7 amount to the jury. The jury's not going to be told how
8 much the fine is. Now you quoted the figure of 120
9 dollars. That may be the amount of the fine that you've
10 been paid if you wanted to pay the ticket by mailing in
11 your payment and pleading guilty. This was a no court
12 appearance required ticket. But I want to caution you,
13 the fine for disobeying a stop sign, a petty offense,
14 can be up to a thousand dollars, plus the court costs.
15 Do you understand that the court is not restrict to
16 fining you only 120 dollars if you're found guilty?

17 SPEAKER 3: I understand that there are
18 court costs. I was unaware that you can fine me one
19 thousand dollars.

20 THE COURT: Are you saying you understand
21 that the court is unaware of that?

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

24 THE COURT: You are also unaware of many

1 other things, Mr. Osterbur.

2 SPEAKER 3: That is -- this is --

3 THE COURT: This theory of re-dress you have
4 is a distortion of the Constitution, that I believe is
5 not accepted by general -- it's generally accepted
6 interpretations by scholars of the US Constitution, and
7 that's why I don't want to even hear the word re-dress
8 addressed to this jury. You're trying to inject issues
9 in here that appeal not only to class, but to political
10 persuasion, to interpretations of the Constitution an
11 law that are not well with-founded in prior doctrines of
12 either academia or Constitutional Law as interpreted by
13 the courts. So I'm just not going to let you taint this
14 record on this.

15 What we're going to decide today, that jury
16 will decide, not me, but what the jury will decide is
17 whether or not you stopped at that stop sign. That's
18 the issue here. And if so, I will decide what the
19 appropriate penalty will be. I think you've come to
20 this proceeding with some totally unwarranted
21 assumptions about what you're going to be able to raise,
22 and it's just not going to be allowed in my courtroom.
23 I do not believe they are appropriate. If you want to
24 proceed on this in some other forum and see if you can

1 get some other court to -- to rule on your side that
2 these are viable justiciable claims, you may certainly
3 do so. But you're not going to be able to do it in the
4 context of a so-called counterclaim to a traffic charge.

5 You've obviously spent a lot of time on
6 this. I have a respect for the -- I want to say
7 diligence, and devotion to what you apparently believe
8 to put this all down in paper. But it's just not
9 relevant to the issues of this case. So the objection
10 that you not be able to argue these things to the jury
11 is well taken. Anything else, Ms. Sharples-Brooks?

12 MS. SHARPLES-BROOKS: No, your Honor.

13 THE COURT: All right. I think we're in
14 recess until we get the jurors in then; is that right?

15 Do you have a statement of the case, a
16 statement of the nature of the case, though?

17 MS. SHARPLES-BROOKS: Yes, your Honor.

18 THE COURT: While we're doing that, Mr.
19 Osterbur, I will tell you that you'll have five
20 peremptory challenges, the order we will proceed will be
21 for me to examine -- well to give a cautionary
22 instructions to the jury about what they're here for.
23 To then read them the nature of the case. I'll
24 introduce the -- before I talk to them about the nature

1 of the case, I'll introduce you, and Ms. Sharples-Brooks
2 to them.

3 Then I will ask questions on a voir dire,
4 then the -- for each package the four the State gets to
5 start on that. And then to the extent they accept the
6 panel, then you get to question them. I will not take
7 large amounts of questions, and the questions will have
8 to be about matters that are relevant to jury service.

9 How much time do you think you want in
10 opening statements, Ms. Sharples-Brooks.

11 MS. SHARPLES-BROOKS: Ten minutes, your
12 Honor.

13 THE COURT: All right. Can you do your
14 opening statement in ten minutes, Mr. Osterbur.

15 SPEAKER 3: I think we can wrap it up in 15
16 minutes altogether.

17 THE COURT: We can wrap up what in 15
18 minutes?

19 SPEAKER 3: I doubt that this case will take
20 very long.

21 THE COURT: Well, it may or may not. But
22 the opening statement, I'll give you up to ten minutes,
23 as long as you stay on point. Because she's going to
24 get ten minutes. I'm going to give each side the same

1 amount, an then the state has the burden going forward
2 with the evidence. You have a right to cross-examine.
3 I will not will you any of you to get closer than that
4 -- the.

5 SPEAKER 3: I'll stay here.

6 THE COURT: Pardon?

7 SPEAKER 3: I'll stay right here.

8 THE COURT: You can stand, though. In fact
9 I want you to stand when you're talking to the jury or
10 to me. This -- I'll call it a divider.

11 MS. SHARPLES-BROOKS partition.

12 THE COURT: Partition, that's extended.

13 That's -- I don't want any of you to go closer to the
14 jury than that. But otherwise you may in making your
15 arguments say have a little latitude of getting closer
16 to them. They'll put on evidence. You have the right
17 to cross-examine, they have then when they rest of the
18 right to make any motions you deem appropriate, and if
19 the case is not concluded on motion then you have the
20 right to put on evidence, they will cross-examine your
21 witnesses. After you rest the state has the right to
22 put on rebuttal. Then we'll get to closing arguments.
23 At some point they'll have their jury instructions that
24 we all will consider. Closing arguments I will expect

1 will not be more than ten to 15 minutes on a side.

2 MS. SHARPLES-BROOKS: Ten, your Honor.

3 THE COURT: All right, is ten minutes on
4 closing argument enough for you?

5 SPEAKER 3: More than enough.

6 THE COURT: All right. She gets the right
7 to open and close on closing argument. So her ten
8 minutes will still be divided up, but then some part of
9 that on the first part of her argument and some in
10 rebuttal, you got the ten minutes, but you don't get to
11 address them after she does her rebuttal.

12 SPEAKER 3: I have a question.

13 THE COURT: Then the delivery.

14 SPEAKER 3: I have a question.

15 THE COURT: Yes, sir.

16 SPEAKER 3: Will this note be taken as
17 evidence to the case, or will it be --

18 THE COURT: I -- what I will do, it's not
19 going to be considered as evidence, but because we're
20 making a record, I have to include this with the file so
21 that be in the event there was an appeal taken, if you
22 wanted to appeal, and raise as part of your appeal that
23 I was erroneous in May ruling, of course you would have
24 to have with it what it was that -- that this was all

1 about. In other words, what was I considering and did
2 not allow you to either show the jury or to proceed on?
3 So, that is -- that will become part of the record in
4 this case.

5 SPEAKER 3: I have another question.

6 THE COURT: Yes, sir.

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

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

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

21 THE COURT: Pardon?

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

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

3 THE COURT: I don't know that you'll find it
4 in a single document. That's why I'm saying you kind of
5 have to read for background, in reading all these
6 various interpretations of the Constitution the scholars
7 have written on. Some of those scholars will be legal
8 scholars, and then you'll have to put an argument in
9 effect. Now there also will be case law from
10 predominantly the Supreme Court of the United States
11 that may or may not have addressed this issue. But --

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

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

18 SPEAKER 3: They should be.

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

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

22 THE COURT: Well, if you do it properly,
23 you'll eventually be able to get a court to consider
24 your arguments.

1 SPEAKER 3: Actually, that's not --

2 THE COURT: Whether they will agree with
3 you, that's something else. But we -- it's just not
4 here. And in interpreting Constitutional Law an
5 argument is best made that can be supported by citations
6 to authority, whether this be citations to the portions
7 of the Federalist Papers, or prior case law, or both, or
8 speeches that learned people have given.

9 SPEAKER 3: I have in fact done that.

10 THE COURT: That's all things that will be
11 considered. This is really getting afield, so I'm not
12 going to discuss these any more with you. But I will
13 wait till we get the jury back, and hope that they come
14 in soon so that we can get this trial. Even though you
15 say it'll be a short trial, what we have to do takes
16 awhile to get ready to present evidence. And so I hope
17 we can get them down here soon.

18 COURT SECURITY OFFICER: I'm prepared to go
19 get them, your Honor.

20 THE COURT: Are we ready for them.

21 MS. SHARPLES-BROOKS: I have one last
22 matter, your Honor. In the past four pro se trials you
23 have asked that we type out questions that we want to be
24 asked, and not ask questions ourself, and I have

1 prepared questions for you.

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

6 SPEAKER 3: I do not.

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

9 SPEAKER 3: I have not.

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

12 SPEAKER 3: I understand.

13 THE COURT: Any objections to those
14 questions --

15 SPEAKER 3: No.

16 THE COURT: -- if I ask them as to -- on
17 behalf of the State, and then whichever you have? You
18 may want to take a few moments to scratch some out
19 yourself now, and then show them to Ms. Sharples-Brooks.
20 If you have some other written that you want me to ask,
21 being I've turned down your four pages of them, I'll let
22 you put some of that together. Do you want to try to do
23 that?

24 SPEAKER 3: I probably won't.

1 THE COURT: Okay.

2 SPEAKER 3: My interest here is in threats.

3 THE COURT: Pardon?

4 SPEAKER 3: My real interest here is in
5 threats.

6 THE COURT: Well, I -- I just disagree with
7 you on that, and I'm the one that calls the shots here.

8 SPEAKER 3: I understand.

9 THE COURT: Okay. So you have no questions
10 that you're going to ask the jury? Well, are we ready
11 to bring them back?

12 SPEAKER 3: Well, I intend to -- I expect
13 to speak to them.

14 THE COURT: In closing argument you can.
15 And in opening argument. In opening statement, which is
16 what you believe the facts will show. Closing arguments
17 you cannot only argue what the facts show, but some
18 other matters that would be, I think within the purview
19 of what you're arguing for, or what you're asserting on
20 this threat. But I'm not going to allow you to argue
21 that you should not be tried because you are an
22 insignificant threat compared to what's perceived in
23 your mind scientists are doing that puts us all at risk.

24 SPEAKER 3: Well, I'm arguing more that we

1 have a right to intervene in someone who's gambling with
2 our lives. We have a right to be informed of that.

3 THE COURT: Okay, but Mr. Osterbur --

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

7 THE COURT: I understand what you're saying.
8 But I'm not going to allow you to raise that, that right
9 that you perceive exists as a defense to a traffic
10 ticket.

11 SPEAKER 3: I understand.

12 THE COURT: All right. Then I believe we'll
13 bring the jurors back. But I will let each of you
14 examine -- I'm sorry, I guess we're -- I changed my
15 mind on this, I'm not going to allow you to examine.
16 I'm going to read your questions to the jury. Mr.
17 Osterbur, if you want to scratch some out here I'll look
18 at them before wetting to that point but this should be
19 here soon, would you go get them?

20 If you could have somebody come get me when
21 they're in, too? All right, I'm in recess until we get
22 our jurors.

23 (Recess declared.)

24 THE COURT: 11 TR 22442 people vs. James

1 Osterbur. The jury is entering the -- the venire is
2 entering the courtroom.

3 Please be seated. Good morning, ladies and
4 gentlemen, I'm associate judge Brian McPheeters, now
5 this is Courtroom L. Is there anyone that thought they
6 were going to a different courtroom? Do you all expect
7 to be here in Courtroom L? All right. This is the case
8 of people of the state of Illinois vs. James Osterbur,
9 case 11 t r 22442. The charge in this case is contained
10 in what is called a traffic citation, you must remember
11 that a traffic citation is not to be considered as any
12 evidence against the defendant. Nor does the law allow
13 you to infer any presumption of guilt against the
14 defendant simply because he is name in a traffic
15 citation. The traffic citation is merely the formal way
16 in which a defendant is placed on trial. Under the law,
17 a defendant's presumed for about innocent of the charge
18 against him had. In presumption remains with him
19 throughout every stage of the trial, and during your
20 deliberation on the verdict, and is not overcome unless,
21 from all the evidence in the case, you are convinced
22 beyond a reasonable doubt that the defendant is guilty.

23 The state has the burden of proving the
24 guilt of the defendant beyond a reasonable doubt and?

1 Burden remains on the state thought the case. The
2 defendant is not required to prove his innocence, nor is
3 he required to present any evidence on his own behalf.
4 He may rely on the presumption of innocence.

5 You are the judges of the facts in this
6 case. That is, you, and you alone will determine which
7 witnesses to believe, and how much weight to give their
8 testimony. After you hear all the evidence, the
9 arguments of the attorneys and the defendant, and any --
10 my instructions on the law, you will retire to the jury
11 room to term your verdict. If you become convinced
12 beyond a reasonable doubt from all the evidence in the
13 case that the defendant is guilty as charged in the
14 information -- excuse me, in the citation, it will be
15 your duty to find him guilty. On the other hand, if,
16 after hearing all the evidence, you are not convinced
17 beyond a reasonable doubt of the defendant's guilt, it
18 will be your duty to find him not guilty.

19 Whatever verdict you reach, it will be your
20 own, and you don't have to explain it or justify it to
21 anyone at any time.

22 It is essential that you not arrive at any
23 decisions or conclusions of any kind until you have
24 heard all the evidence, the arguments of the attorney,

1 and the defendant, and the law that applies to this
2 case. During the trial you will hear the attorney make
3 objection. You may hear the defendant make objections.
4 Don't hold it against either side when you hear
5 objections. The lawyers and the defendant are not
6 trying to keep anything from you. They are doing their
7 job, and their duty.

8 Objections help me, and serve the important
9 purpose to make sure that you get only proper evidence
10 on the issues in the case. Now there will be times when
11 I'll excuse you from the courtroom, or we'll excuse
12 ourselves and go out to the side or in chambers to
13 discuss a point of law. You should not let that bother
14 or annoy you. The law requires that these discussions
15 be held out of your presence. That's the law's way of
16 being sure you hear only proper evidence. There may be
17 recesses or delays, but we'll keep those to a minimum.
18 At times we might begin a few minutes later than we
19 hoped. The reason for that is that we have other cases
20 on the call, and that have nothing to do with this case
21 or this defendant. Now, I'm going to, at this time
22 start asking you? Questions about yourselves, and the
23 two sides have the opportunity to submit written
24 questions to me, which I will ask on their behalf.

1 You must not feel we are trying to embarrass
2 you, put you on the spot, or pry into your personal
3 affairs. It's merely our way of learning something
4 about you so that the lawyers can make informed
5 decisions, and the defendant can make an informed
6 decisions in the jury selection process.

7 Now for those of you who are chosen as
8 jurors, I'll give you this warning now. Do not discuss
9 this case with anyone, not your own friends, your
10 family, or among yourselves, and don't let anyone
11 discuss it with you until you retire to the jury room to
12 deliberate.

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

24 Traffic laws are a form of criminal statute.

1 The defendant is James Osterbur, who is appearing pro
2 se. Mr. Osterbur, if you'll stand, please, and look at
3 the assembled persons here? All right. You may have a
4 seat. The people of the state of Illinois are
5 represented by Assistant State's Attorney Claire
6 Sharples-Brooks.

7 MS. SHARPLES-BROOKS: Good morning.

8 THE COURT: Ms. Sharples-Brooks, if you'll
9 turn and face the venire.

10 The citation charges the defendant with the
11 offense of disobeying a traffic control device. This
12 offense is alleged to have occurred on or about the 30th
13 day of November, 2011 in champaign county, Illinois. On
14 this date it is alleged that the defendant drove a motor
15 vehicle, and while doing so, failed to stop at a stop
16 sign. To this charge the defendant has entered a plea
17 of not guilty.

18 Now, we will call the courtroom clerk will
19 call four persons to come up and sit in the jury box,
20 and then I'll begin the questioning. The first person
21 called should take the back row far in. The end nearest
22 you, the second person called take the seat need
23 immediately to that person's left, in other words, the
24 second one in from the end. Third called take the front

1 row, far seat from me, and the fourth one called front
2 row, second seat from your end. We'll try to get four
3 jurors and then that panel of four will go to the jury
4 room, we'll do another set of four, when the set of four
5 that's the second set comes up, please imagine that
6 those four are still sitting where they are originally,
7 and you'll take the seats -- third and fourth in the
8 back from your end and third and fourth in the front row
9 from your end when those are to be filled, and I'm
10 informed that if you are not picked as a juror you are
11 to report to the jury assembly room at 1:15 this
12 afternoon for those of you that are not selected for
13 this jury. All right. Madam Clerk, if you could call
14 four persons.

15 (Prospective Jurors sworn to be examined as
16 to qualifications, and the following jurors were called
17 and seated in the jury box: Juror No. 38, Mary Wells;
18 Juror No. 32, Ramakrishna Bhonagiri; Juror No. 89, Robin
19 Hamilton; Juror No. 8, Jo Anne Mennenga.)

20 THE COURT: Good morning. I'll ask you, when
21 I call your juror number, to please tell me how you
22 pronounce your name, number 38, please?

23 PROSPECTIVE JUROR NUMBER 38: Mary Wells.

24 THE COURT: Number 32?

1 PROSPECTIVE JUROR NUMBER 32: Bhonagiri,
2 Ramakrishna.

3 THE COURT: Bhonagiri, all right. Number 89?

4 PROSPECTIVE JUROR NUMBER 89: Robin
5 Hamilton.

6 THE COURT: And number 8?

7 PROSPECTIVE JUROR NUMBER 8: Jo Anne
8 Mennenga.

9 THE COURT: Now I know these questions are
10 going to seem somewhat repetitive. And as I do this
11 first panel, I'm really going to ask each of you a
12 question in most instances here. Ms. Wells, do you know
13 the defendant?

14 PROSPECTIVE JUROR NUMBER 38: No.

15 THE COURT: Mr. Bhonagiri, do you know the
16 defendant?

17 PROSPECTIVE JUROR NUMBER 32: No.

18 THE COURT: Ms. Hamilton, do you know the
19 defendant?

20 PROSPECTIVE JUROR NUMBER 89: No.

21 THE COURT: And Ms. Mennenga, do you know
22 the defendant?

23 PROSPECTIVE JUROR NUMBER 8: No.

24 THE COURT: Ms. Wells, do you know any --

1 well, do you know Ms. Sharples-Brooks, she being our
2 only attorney today?

3 PROSPECTIVE JUROR NUMBER 38: Yes.

4 THE COURT: All right. How close of an
5 acquaintanceship with her do you have?

6 PROSPECTIVE JUROR NUMBER 38: Oh, no.

7 THE COURT: All right.

8 PROSPECTIVE JUROR NUMBER 38: No, I know her
9 only because she was introduced to us today.

10 THE COURT: All right. Mr. Bhonagiri, do you
11 know Ms. Sharples-Brooks?

12 PROSPECTIVE JUROR NUMBER 32:

13 DEFENDANT MR. OSTERBUR: No.

14 THE COURT: All right. Ms. Hamilton?

15 PROSPECTIVE JUROR NUMBER 89: No.

16 THE COURT: And Ms. Mennenga?

17 PROSPECTIVE JUROR NUMBER 8: No, sir.

18 THE COURT: Do you know Officer Sean Weary
19 of the Gifford Police Department, Ms. Wells?

20 PROSPECTIVE JUROR NUMBER 38: No.

21 THE COURT: Mr. Bhonagiri?

22 PROSPECTIVE JUROR NUMBER 32: (No audible
23 response).

24 THE COURT: Ms. Hamilton?

1 PROSPECTIVE JUROR NUMBER 89: No.

2 THE COURT: Ms. Mennenga?

3 PROSPECTIVE JUROR NUMBER 8: No.

4 THE COURT: All right. Do you understand
5 that the traffic citation is not any evidence of guilt
6 against the defendant, Ms. Wells?

7 PROSPECTIVE JUROR NUMBER 38: Yes.

8 THE COURT: All right, Mr. Bhonagiri, do you
9 understand that?

10 PROSPECTIVE JUROR NUMBER 32: Yes.

11 THE COURT: Ms. Hamilton?

12 PROSPECTIVE JUROR NUMBER 89: Yes.

13 THE COURT: Ms. Mennenga?

14 PROSPECTIVE JUROR NUMBER 8: Yes, sir.

15 THE COURT: Do you understand that the
16 defendant is presumed innocent, Ms. Wells?

17 PROSPECTIVE JUROR NUMBER 38: Yes.

18 THE COURT: Mr. Bhonagiri?

19 PROSPECTIVE JUROR NUMBER 32: Yes.

20 THE COURT: Ms. Hamilton?

21 PROSPECTIVE JUROR NUMBER 89: Yes.

22 THE COURT: Ms. Mennenga?

23 PROSPECTIVE JUROR NUMBER 8: Yes, sir.

24 THE COURT: Do you understand that the

1 burden is on the State in a criminal case to prove the
2 defendant guilty beyond a reasonable doubt, Ms. Wells?

3 PROSPECTIVE JUROR NUMBER 38: Yes.

4 THE COURT: Mr. Bhonagiri.

5 PROSPECTIVE JUROR NUMBER 32: Yes.

6 THE COURT: Ms. Hamilton?

7 PROSPECTIVE JUROR NUMBER 89: Yes.

8 THE COURT: Ms. Mennenga?

9 PROSPECTIVE JUROR NUMBER 8: (No audible
10 response).

11 THE COURT: Is there anything about the
12 nature of the charge that would impair your ability to
13 be a fair and impartial juror, Ms. Wells?

14 PROSPECTIVE JUROR NUMBER 38: No.

15 THE COURT: Mr. Bhonagiri, is there anything
16 about the nature of the charge that would impair your
17 ability to be a fair and impartial juror?

18 PROSPECTIVE JUROR NUMBER 32: No.

19 THE COURT: Ms. Hamilton, is there anything
20 about the nature of the charge that would impair your
21 ability to be a fair and impartial juror?

22 PROSPECTIVE JUROR NUMBER 89: No.

23 THE COURT: Ms. Mennenga, is there anything
24 about the the nature of the charge that would impair

1 your ability to be a fair and impartial juror?

2 PROSPECTIVE JUROR NUMBER 8: No, sir.

3 THE COURT: Ms. Wells, do you understand
4 that neither sympathy, nor prejudice should influence
5 your decision?

6 PROSPECTIVE JUROR NUMBER 38: Yes.

7 THE COURT: Mr. Bhonagiri, do you understand
8 that.

9 PROSPECTIVE JUROR NUMBER 32: Yes.

10 THE COURT: Ms. Hamilton?

11 PROSPECTIVE JUROR NUMBER 89: Yes.

12 THE COURT: Ms. Mennenga?

13 PROSPECTIVE JUROR NUMBER 8: Yes.

14 THE COURT: Do you understand that you are
15 the sole judge of the credibilities of the witnesses,
16 and the weight to be given to each of them, Ms. Wells?

17 PROSPECTIVE JUROR NUMBER 38: Yes.

18 THE COURT: Mr. Bhonagiri?

19 PROSPECTIVE JUROR NUMBER 32: Yes.

20 THE COURT: Ms. Hamilton?

21 PROSPECTIVE JUROR NUMBER 89: Yes.

22 THE COURT: And Ms. Mennenga?

23 PROSPECTIVE JUROR NUMBER 8: (No audible
24 response).

1 THE COURT: I'm going to ask this case --
2 this question to each of you individually. Would you
3 give more weight to the testimony of a police officer
4 just because that is his or her job Ms. Wells?

5 PROSPECTIVE JUROR NUMBER 38: No.

6 THE COURT: Mr. Bhonagiri, would you give
7 more weight to a police officer just because that's his
8 or her job?

9 PROSPECTIVE JUROR NUMBER 32: No.

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

13 PROSPECTIVE JUROR NUMBER 89: No.

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

17 PROSPECTIVE JUROR NUMBER 8: No.

18 THE COURT: All right. Do you understand
19 that you must wait for all the evidence, arguments and
20 instructions before you make up your mind, Ms. Wells?

21 PROSPECTIVE JUROR NUMBER 38: Yes.

22 THE COURT: Mr. Bhonagiri, do you understand
23 that you have to wait for all the evidence, arguments,
24 and instructions before you make up your mind?

1

2 PROSPECTIVE JUROR NUMBER 32: Yes.

3 THE COURT: Ms. Hamilton, do you understand
4 that.

5 PROSPECTIVE JUROR NUMBER 89: Yes.

6 THE COURT: Ms. Mennenga?

7 PROSPECTIVE JUROR NUMBER 8: Yes.

8 THE COURT: All right. Would you follow the
9 instructions of law which I will give you, even if you
10 might personally disagree with an instruction,
11 Ms. Wells?

12 PROSPECTIVE JUROR NUMBER 38:: Will I
13 follow? Yes.

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

18 PROSPECTIVE JUROR NUMBER 38: Yes.

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

23 PROSPECTIVE JUROR NUMBER 32: Yes.

24 THE COURT: Ms. Hamilton, would you follow

1 the instructions of law which I will give you, even if
2 you might personally disagree with one or more
3 instructions.

4 PROSPECTIVE JUROR NUMBER 89: Yes.

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

9 PROSPECTIVE JUROR NUMBER 8: Yes, sir.

10 THE COURT: Now I have some questions I need
11 to ask each of you, fairly lengthy, it's a group of four
12 questions, and I want you to be aware that there are two
13 aspects to this. I'm going to ask you as to whether you
14 understand and also accept the principles that I'm going
15 to ask you about. It's two parts, you have to indicate
16 if it -- and I want you to be truthful -- that you
17 understand this principle, and that you accept the
18 principle. All right. Ms. Wells, do you understand and
19 accept that the defendant is presumed innocent of the
20 charge against him.

21 PROSPECTIVE JUROR NUMBER 38: Yes.

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

1 doubt?

2 PROSPECTIVE JUROR NUMBER 38: Yes.

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

6 PROSPECTIVE JUROR NUMBER 38: Yes.

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

10 PROSPECTIVE JUROR NUMBER 38: Yes.

11 THE COURT: Mr. Bhonagiri, do you understand
12 and accept that the defendant is presumed innocent of
13 the charge against him?

14 PROSPECTIVE JUROR NUMBER 32: Yes.

15 THE COURT: And do you understand and accept
16 that before the defendant can be convicted, the state
17 must prove the defendant guilty beyond a reasonable
18 doubt?

19 PROSPECTIVE JUROR NUMBER 32: Yes.

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

23 PROSPECTIVE JUROR NUMBER 32: Yes.

24 THE COURT: And do you understand and accept

1 that the defendant's failure to testify cannot be held
2 against him?

3 PROSPECTIVE JUROR NUMBER 32: Yes.

4 THE COURT: Ms. Hamilton, do you understand
5 and accept that the defendant is presumed innocent of
6 the charge against him?

7 PROSPECTIVE JUROR NUMBER 89: Yes.

8 THE COURT: You understand and accept that
9 before a defendant can be convicted. The state must
10 prove the defendant guilty beyond a reasonable doubt?

11 PROSPECTIVE JUROR NUMBER 89: Yes.

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

15 PROSPECTIVE JUROR NUMBER 89: Yes.

16 THE COURT: Do you understand and accept
17 that the defendant's failure to testify cannot be held
18 against him.

19 PROSPECTIVE JUROR NUMBER 89: Yes.

20 THE COURT: Ms. Mennenga, do you understand
21 and accept that the defendant is presumed innocent of
22 the charge against him?

23 PROSPECTIVE JUROR NUMBER 8: Yes.

24 THE COURT: Do you understand and accept

1 that before a defendant can be convicted, the state must
2 prove the defendant guilty beyond a reasonable doubt?

3 PROSPECTIVE JUROR NUMBER 8: Yes.

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

7 PROSPECTIVE JUROR NUMBER 8: Yes.

8 THE COURT: Do you understand and accept
9 that the defendant's failure to testify cannot be held
10 against him?

11 PROSPECTIVE JUROR NUMBER 8: Yes.

12 THE COURT: Do you understand that as a
13 juror you are required to consider the evidence in light
14 of your own observations and experiences in life,
15 Ms. Wells?

16 PROSPECTIVE JUROR NUMBER 38: Yes.

17 THE COURT: Mr. Bhonagiri, do you understand
18 that?

19 PROSPECTIVE JUROR NUMBER 32: Yes.

20 THE COURT: Ms. Hamilton, do you understand
21 that.

22 PROSPECTIVE JUROR NUMBER 89: Yes.

23 THE COURT: And Ms. Mennenga, do you
24 understand that?

1 PROSPECTIVE JUROR NUMBER 8: Yes.

2 THE COURT: Have you or any member of your
3 family, or any friend, ever been charged with a criminal
4 offense, Ms. Wells?

5 PROSPECTIVE JUROR NUMBER 38: No.

6 THE COURT: Mr. Bhonagiri, have you or any
7 member of your family or any friend ever been charged
8 with a criminal offense?

9 PROSPECTIVE JUROR NUMBER 32: No.

10 THE COURT: Ms. Hamilton, have you or any
11 member of your family or any friend ever been charged
12 with a criminal offense?

13 PROSPECTIVE JUROR NUMBER 89: No.

14 EXAMINATION OF PROSPECTIVE JUROR NUMBER 8

15 BY THE COURT:

16 Q. Ms. Mennenga, have you or any member of your
17 family or any friend ever been charged with a criminal
18 offense?

19 A. I'm not sure.

20 Q. All right. Could you explain that?

21 A. My son was was in an airplane accident, and the
22 person with him died, so they went to court.

23 Q. Okay.

24 A. If that's considered criminal --

1 Q. I would not know that it would be, but was your
2 son a defendant?

3 A. Yes.

4 Q. Okay. Is that case concluded?

5 A. Yes.

6 Q. All right. Is there anything about that case that
7 would cause you to be influenced one way or the other in
8 this case today?

9 A. No, sir.

10 Q. All right. Do you think you can put that entirely
11 behind you?

12 A. I can.

13 EXAMINATION OF PROSPECTIVE JUROR NUMBER 38

14 BY THE COURT:

15 Q. All right. Ms. Wells, have you ever received a
16 traffic ticket?

17 A. Yes.

18 Q. All right. What type of ticket was it?

19 A. Well, speeding on the interstate, and I was
20 getting ready to exit.

21 Q. How long ago was that?

22 A. Maybe 15 -- between ten and 20 years.

23 Q. All right.

24 A. Maybe longer.

1 Q. All right. Is it over?

2 A. Oh, yes. It never happened again.

3 Q. Okay. Is that the only one you ever had?

4 A. Yes.

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

7 A. Oh, he was very, very nice.

8 Q. All right. How was the ticket resolved?

9 A. Well, because it occurred near Greenfield, I just
10 pled guilty here in the community.

11 EXAMINATION OF PROSPECTIVE JUROR NUMBER 32

12 BY THE COURT:

13 Q. All right. Mr. Bhonagiri, have you ever received
14 a traffic ticket?

15 A. Yes.

16 Q. All right. What type of ticket was it?

17 A. Using a cell phone during or in close to a school
18 days.

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

21 A. He was nice, and I pled guilty.

22 Q. All right. Is that matter entirely concluded at
23 this time? Was that here in Champaign County?

24 A. Yes.

1 Q. But you believe the case is entirely over; is
2 that right?

3 A. Yes.

4 EXAMINATION OF PROSPECTIVE JUROR NUMBER 89

5 BY THE COURT:

6 Q. All right. Ms. Hamilton, have you ever received a
7 traffic ticket?

8 A. Yes.

9 Q. And how long ago was that?

10 A. Speeding ticket when I was like 17, so quite a
11 while ago.

12 Q. How was your interaction with the police officer
13 who gave you the ticket?

14 A. I guess routine. It was fine. There was nothing
15 offensive.

16 Q. All right. Has that ticket been resolved?

17 A. Yes.

18 EXAMINATION OF PROSPECTIVE JUROR NUMBER 8

19 BY THE COURT:

20 Q. Ms. Mennenga, have you ever received a traffic
21 ticket?

22 A. When I was in my twenties, speeding.

23 Q. How was your interaction with the police officer
24 who gave you the ticket?

1 A. Fine, professional.

2 Q. And has that matter been entirely resolved?

3 A. Yes.

4 THE COURT: Have you or any member of your
5 family ever of been a witness or a victim in a criminal
6 case, Ms. Wells?

7 PROSPECTIVE JUROR NUMBER 38: No.

8 THE COURT: Mr. Bhonagiri?

9 PROSPECTIVE JUROR NUMBER 32: No.

10 THE COURT: Bhonagiri, excuse me.
11 Ms. Hamilton?

12 PROSPECTIVE JUROR NUMBER 89: Yes.

13 THE COURT: All right, could you tell us the
14 circumstances?

15 PROSPECTIVE JUROR NUMBER 89: Sure. I was
16 actually a witness in a -- in an accident, I don't know
17 how they -- what the legal thing is, but an accident at
18 an amusement park. I was a witness in the case, and that
19 was back when I was 21, I believe.

20 THE COURT: All right. Were you personally
21 involved in the lawsuit, or were you just simply a
22 witness?

23 PROSPECTIVE JUROR NUMBER 89: I was just a
24 witness. I testified.

1 THE COURT: Are there any others that you
2 can think of, Ms. Mennenga?

3 PROSPECTIVE JUROR NUMBER 8: No.

4 THE COURT: All right. Is there any reason,
5 whether I've asked about it or not, as to why you
6 believe you could not be a fair and impartial juror,
7 Ms. Wells?

8 PROSPECTIVE JUROR NUMBER 38: No.

9 THE COURT: Mr. Bhonagiri?

10 PROSPECTIVE JUROR NUMBER 32: No.

11 THE COURT: Ms. Hamilton?

12 PROSPECTIVE JUROR NUMBER 89: No.

13 THE COURT: Ms. Mennenga?

14 PROSPECTIVE JUROR NUMBER 8: No, sir.

15 THE COURT: All right. I'll ask counsel and
16 Mr. Osterbur to approach, please.

17 (Off-the-record discussion at the side bar.)

18 THE COURT: Does the State accept this
19 panel?

20 MS. SHARPLES-BROOKS: Yes, your Honor.

21 THE COURT: Mr. Osterbur, do you accept this
22 panel?

23 DEFENDANT MR. OSTERBUR: Yes.

24 THE COURT: All right. I'll ask you to

1 stand, the officer will take you back to the jury room.
2 This panel is accepted.

3 (The first panel of four jurors was sworn
4 and impaneled.)

5 THE COURT: Please call our next group of
6 four, please.

7 (The following four prospective jurors were
8 called and seated in the jury box: Juror No. 97, Mark
9 Dressman; Juror No. 13, Beatrice Pavia; Juror No. 35,
10 Steven Amundsen, and Juror No. 71, Thiradio Adams.)

11 THE COURT: All right. Before I get started
12 questioning the persons that are potential jurors here.
13 Is there anyone in the room -- and please look at the
14 person near you to see how they're responding to this
15 question -- is there anyone in the room that believes
16 they need some assistance with hearing? We have some
17 audio devices that are really pretty good in that
18 regard. Ma'am, I think you asked for one? You're asking
19 -- all right, is there anyone else that believes they
20 would like some amplification assistance on the audio?

21 All right, I hear none. Juror Number 97, if
22 you could please state your full name?

23 PROSPECTIVE JUROR NUMBER 97: Mark Dressman.

24 THE COURT: Number 13?

1 PROSPECTIVE JUROR NUMBER 13: Beatrice
2 Pavia.
3 THE COURT: Number 35?
4 PROSPECTIVE JUROR NUMBER 35: Steve
5 Amundsen.
6 THE COURT: Number 71.
7 PROSPECTIVE JUROR NUMBER 71: Thirdio Adams.
8 THE COURT: All right. Mr. Dressman, do you
9 know the defendant?
10 PROSPECTIVE JUROR NUMBER 97: No, I do not.
11 THE COURT: Ms. Pavia, do you know the
12 defendant?
13 PROSPECTIVE JUROR NUMBER 13: No.
14 THE COURT: Mr. Amundsen, do you know the
15 defendant?
16 PROSPECTIVE JUROR NUMBER 35: No.
17 THE COURT: And Mr. Adams, do you know the
18 defendant?
19 PROSPECTIVE JUROR NUMBER 71: (No audible
20 response).
21 THE COURT: Do you know Ms. Sharples-Brooks,
22 Mr. Dressman?
23 PROSPECTIVE JUROR NUMBER 97: No.
24 THE COURT: Ms. Pavia?

1 PROSPECTIVE JUROR NUMBER 13: No.

2 THE COURT: Mr. Amundsen?

3 PROSPECTIVE JUROR NUMBER 35: No.

4 THE COURT: Mr. Adams?

5 PROSPECTIVE JUROR NUMBER 71: No.

6 THE COURT: Do you know Officer Sean Weary
7 of the Gifford Police Department, Mr. Dressman?

8 PROSPECTIVE JUROR NUMBER 97: No.

9 THE COURT: Ms. Pavia?

10 PROSPECTIVE JUROR NUMBER 13: (No audible
11 response).

12 THE COURT: Mr. Amundsen?

13 PROSPECTIVE JUROR NUMBER 35: No.

14 THE COURT: Mr. Adams?

15 PROSPECTIVE JUROR NUMBER 71: No.

16 THE COURT: Mr. Dressman, do you understand
17 that the citation is not any evidence of guilt against
18 the defendant?

19 PROSPECTIVE JUROR NUMBER 97: Yes, I do.

20 THE COURT: Do you understand that, Ms.
21 Pavia?

22 PROSPECTIVE JUROR NUMBER 13: Yes.

23 THE COURT: You're indicating that you do. I
24 will ask that you give a yes or no to all of these

1 questions. Mr. Amundsen?

2 PROSPECTIVE JUROR NUMBER 35: Yes.

3 THE COURT: Mr. Adams?

4 PROSPECTIVE JUROR NUMBER 71: (No audible
5 response).

6 THE COURT: Do you understand that the
7 defendant is presumed innocent, Mr. Dressman?

8 PROSPECTIVE JUROR NUMBER 97: Yes.

9 THE COURT: Ms. Pavia?

10 PROSPECTIVE JUROR NUMBER 13: Yes.

11 THE COURT: Mr. Amundsen?

12 PROSPECTIVE JUROR NUMBER 35: Yes.

13 THE COURT: Mr. Adams?

14 PROSPECTIVE JUROR NUMBER 71: Yes.

15 THE COURT: Do you understand that the
16 burden is on the State in a criminal case to prove the
17 defendant guilty beyond a reasonable doubt, Mr.
18 Dressman?

19 PROSPECTIVE JUROR NUMBER 97: Yes.

20 THE COURT: Ms. Pavia?

21 PROSPECTIVE JUROR NUMBER 13: Yes.

22 THE COURT: Mr. Amundsen?

23 PROSPECTIVE JUROR NUMBER 35: Yes.

24 THE COURT: Mr. Adams?

1 PROSPECTIVE JUROR NUMBER 71: Yes.

2 THE COURT: Is there anything about the
3 nature of the charge in this case that would impair your
4 ability to be a fair and impartial juror, Mr. Dressman?

5 PROSPECTIVE JUROR NUMBER 97: No.

6 THE COURT: Ms. Pavia?

7 PROSPECTIVE JUROR NUMBER 13: Well, I had a
8 ticket for that very same thing, of going through a stop
9 sign.

10 THE COURT: All right. Is there anything
11 about that experience that would cause you to be
12 influenced today?

13 PROSPECTIVE JUROR NUMBER 13: No.

14 THE COURT: All right. Do you think you'll
15 be able to put that behind you in deciding the issues in
16 this case?

17 PROSPECTIVE JUROR NUMBER 13: Yes.

18 THE COURT: And could you be as fair to one
19 side as the other in this case?

20 PROSPECTIVE JUROR NUMBER 13: Oh, yes.

21 THE COURT: Mr. Amundsen?

22 PROSPECTIVE JUROR NUMBER 35: No.

23 THE COURT: Mr. Adams?

24 PROSPECTIVE JUROR NUMBER 71: (No audible

1 response).

2 THE COURT: All right. Do you understand
3 that neither sympathy nor prejudice should influence
4 your decision, Mr. Dressman?

5 PROSPECTIVE JUROR NUMBER 97: Yes.

6 THE COURT: Ms. Pavia?

7 PROSPECTIVE JUROR NUMBER 13: Yes.

8 THE COURT: Mr. Amundsen?

9 PROSPECTIVE JUROR NUMBER 35: Yes.

10 THE COURT: Mr. Adams?

11 PROSPECTIVE JUROR NUMBER 71: Yes.

12 THE COURT: Do you understand that you are
13 the sole judge of the credibilities of the witnesses,
14 and the weight to be given to each of them, Mr.
15 Dressman?

16 PROSPECTIVE JUROR NUMBER 97: Yes.

17 THE COURT: Ms. Pavia?

18 PROSPECTIVE JUROR NUMBER 13: Yes.

19 THE COURT: Mr. Amundsen?

20 PROSPECTIVE JUROR NUMBER 35: Yes.

21 THE COURT: Mr. Adams?

22 PROSPECTIVE JUROR NUMBER 71: Yes.

23 THE COURT: Would you give more weight to
24 the testimony of a police officer just because that is

1 is his or her job, Mr. Dressman?

2 PROSPECTIVE JUROR NUMBER 97: No.

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

6 PROSPECTIVE JUROR NUMBER 13: No.

7 THE COURT: Mr. Amundsen, would you give
8 more weight to the testimony of a police officer just
9 because that is his or her job?

10 PROSPECTIVE JUROR NUMBER 35: No.

11 THE COURT: Mr. Adams, would you give more
12 weight to the testimony of a police officer adjust
13 because that is his or her job?

14 PROSPECTIVE JUROR NUMBER 71: No.

15 THE COURT: Do you understand that you must
16 wait for all the evidence, arguments, and instructions
17 before you make up your mind, Mr. Dressman?

18 PROSPECTIVE JUROR NUMBER 97: Yes.

19 THE COURT: Ms. Pavia?

20 PROSPECTIVE JUROR NUMBER 13: Yes.

21 THE COURT: Mr. Amundsen?

22 PROSPECTIVE JUROR NUMBER 35: Yes.

23 THE COURT: Mr. Adams?

24 PROSPECTIVE JUROR NUMBER 71: Yes.

1 THE COURT: Will you then follow the
2 instructions of law which I will had give you, even
3 though you might disagree personally with one or more
4 instructions, Mr. Dressman?

5 PROSPECTIVE JUROR NUMBER 97: Yes.

6 THE COURT: Ms. Pavia?

7 PROSPECTIVE JUROR NUMBER 13: Yes.

8 THE COURT: Mr. Amundsen?

9 PROSPECTIVE JUROR NUMBER 35: Yes.

10 THE COURT: Mr. Adams?

11 PROSPECTIVE JUROR NUMBER 71: (No audible
12 response).

13 THE COURT: I have now four questions I
14 will ask individually of you, but the key thing here is
15 whether you understand, and also accept these principles
16 I'm going to ask you about, and I will take you one at a
17 time. Mr. Dressman, do you understand and accept that
18 the defendant is presumed innocent of the charge against
19 him?

20 PROSPECTIVE JUROR NUMBER 97: Yes.

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

24 PROSPECTIVE JUROR NUMBER 97: Yes.

1 THE COURT: And you accept that the
2 defendant is not required to offer any evidence on his
3 own behalf?

4 PROSPECTIVE JUROR NUMBER 97: Yes.

5 THE COURT: Do you understand and accept
6 that the defendant's failure to testify cannot be held
7 against him?

8 PROSPECTIVE JUROR NUMBER 97: Yes.

9 THE COURT: Ms. Pavia, do you understand and
10 accept that the the defendant is presumed innocent of
11 the charge against him?

12 PROSPECTIVE JUROR NUMBER 13: Yes.

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

17 PROSPECTIVE JUROR NUMBER 13: Yes.

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

21 PROSPECTIVE JUROR NUMBER 13: Yes.

22 THE COURT: Do you understand and accept
23 that the defendant's failure to testify cannot be held
24 against him?

1 PROSPECTIVE JUROR NUMBER 13: Yes.

2 THE COURT: Mr. Amundsen, do you understand
3 and accept that the defendant is is presumed innocent of
4 the charge against him?

5 PROSPECTIVE JUROR NUMBER 35: Yes.

6 THE COURT: Do you understand and accept
7 that before a defendant can be convicted, the State must
8 prove the defendant guilty beyond a reasonable doubt?

9 PROSPECTIVE JUROR NUMBER 35: Yes.

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

13 PROSPECTIVE JUROR NUMBER 35: Yes.

14 THE COURT: Do you understand and accept
15 that the defendant's failure to testify cannot be held
16 against him?

17 PROSPECTIVE JUROR NUMBER 35: Yes.

18 THE COURT: Mr. Adams, do you understand and
19 accept that the defendant is presumed innocent?

20 PROSPECTIVE JUROR NUMBER 71: Yes.

21 THE COURT: Do you understand and accept
22 that before a defendant can be convicted, the State must
23 prove the defendant guilty beyond a reasonable doubt?

24 PROSPECTIVE JUROR NUMBER 71: Yes.

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

4 PROSPECTIVE JUROR NUMBER 71: Yes.

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

8 PROSPECTIVE JUROR NUMBER 71: Yes.

9 THE COURT: Do you understand that as a
10 juror you're required to consider the evidence in light
11 of your own observations and experiences in life, Mr.
12 Dressman?

13 PROSPECTIVE JUROR NUMBER 97: Yes.

14 THE COURT: Ms. Pavia?

15 PROSPECTIVE JUROR NUMBER 13: Yes.

16 THE COURT: Mr. Amundsen?

17 PROSPECTIVE JUROR NUMBER 35: Yes.

18 THE COURT: Mr. Adams?

19 PROSPECTIVE JUROR NUMBER 71: Yes.

20 THE COURT: Mr. Dressman, have you or any
21 member of your family or any friend ever been charged
22 with a criminal offense?

23 PROSPECTIVE JUROR NUMBER 97: No.

24 THE COURT: Ms. Pavia, have you or any

1 member of your family or any friend ever been charged
2 with with a criminal offense?

3 PROSPECTIVE JUROR NUMBER 13: Just traffic
4 tickets.

5 EXAMINATION OF PROSPECTIVE JUROR NUMBER 35
6 BY THE COURT:

7 Q. All right. We'll get back to that in a moment
8 then. Mr. Amundsen, have you or any member of your
9 family or any friend ever been charged with a criminal
10 offense?

11 A. Yes.

12 Q. How close a connection to you?

13 A. My son.

14 Q. All right. How long ago was that?

15 A. About a year and a half.

16 Q. Was that here in Champaign County?

17 A. Vermilion.

18 Q. Okay. Is that case still pending, to the best of
19 your knowledge?

20 A. No.

21 Q. Were you a witness in that case?

22 A. No.

23 Q. Were you satisfied with the way he was treated in
24 that case?

1 A. Yes.

2 Q. All right. Is there anything about the nature of
3 his case that would cause you to have some kind of
4 pre-conceived notions about this particular case here,
5 and how it should come out?

6 A. No.

7 Q. Do you believe you'll be totally able to decide
8 this case on the evidence, the arguments, and
9 instructions of law I will give you?

10 A. Yes.

11 THE COURT: Mr. Adams, have you or any
12 member of your family or any friend ever been charged
13 with a criminal offense?

14 PROSPECTIVE JUROR NUMBER 71: No.

15 EXAMINATION OF PROSPECTIVE JUROR NUMBER 97

16 BY THE COURT:

17 Q. All right. Mr. Dressman, have you ever received a
18 traffic ticket?

19 A. Yes.

20 Q. All right, what kind of ticket was it?

21 A. Speeding, about five years ago, Colorado.

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

24 A. I don't remember at this time (inaudible).

1 Q. How was that ticket resolved?

2 A. I paid the ticket.

3 Q. Were you satisfied with the way that whole matter
4 was handled?

5 A. (No audible response).

6 EXAMINATION OF PROSPECTIVE JUROR NUMBER 13

7 BY THE COURT:

8 Q. Ms. Pavia, have you ever received a traffic
9 ticket?

10 A. Yes.

11 Q. All right. What type of ticket was it?

12 A. One is that I was going through a stop sign. One
13 was failure to reduce speed to avoid an accident
14 (inaudible), and one speeding.

15 Q. All right. Were those all in the same incident?

16 A. No.

17 Q. They're different?

18 A. Unfortunately, no.

19 Q. Okay. How was your interaction with the police
20 officer that gave you the ticket in each of those?

21 A. Professional.

22 Q. All right. How was each ticket resolved?

23 A. I paid them.

24 Q. And are they all concluded at this time?

1 A. Yes.

2 Q. Were any of them here in Champaign County?

3 A. They were all in Champaign County.

4 Q. Will you be able to separate your recollections
5 and experiences in those three cases from how you will
6 decide this particular case?

7 A. Yes.

8 Q. And do you agree that you will only decide this
9 case on the evidence, the instructions, and arguments
10 you will hear?

11 A. Yes.

12 THE COURT: Mr. Amundsen, did you ever have
13 a traffic ticket?

14 PROSPECTIVE JUROR NUMBER 35: Only a
15 warning, no actual citations.

16 THE COURT: How was your interaction with
17 the police officer that gave you that ticket?

18 PROSPECTIVE JUROR NUMBER 35: Very nice.

19 THE COURT: And it was a warning ticket,
20 then, that you did not have to do anything with it, I
21 assume, did you?

22 PROSPECTIVE JUROR NUMBER 35: No.

23 THE COURT: Mr. Adams, what about you? Did
24 you ever have any traffic tickets?

1 PROSPECTIVE JUROR NUMBER 71: (No audible
2 response).

3 THE COURT: Have you or any member of your
4 family ever been a witness or a victim in a criminal
5 case, Mr. Dressman?

6 PROSPECTIVE JUROR NUMBER 97: No.

7 EXAMINATION OF PROSPECTIVE JUROR NUMBER 13

8 BY THE COURT:

9 Q. Ms. Pavia, have you or any member of your family
10 ever been a witness or a victim in a criminal case?

11 A. Yes.

12 Q. All right. How long ago was that?

13 A. I would say about ten years ago.

14 Q. All right. Which was it, victim, or witness, or
15 both?

16 A. A victim.

17 Q. All right. Was that you, personally?

18 A. Yes.

19 Q. All right. Do you believe that your experience in
20 connection with that case, and the incident that of
21 which you were a victim, would cause you to be
22 influenced one way or the other in this case that we're
23 here on today?

24 A. No.

1 Q. Can you separate your experiences in that case
2 from what you will be doing here if you're selected as a
3 juror?

4 A. Yes.

5 THE COURT: Mr. Amundsen, have you or any
6 member of your family ever been a witness or a victim in
7 a criminal case?

8 PROSPECTIVE JUROR NUMBER 35: No.

9 THE COURT: Mr. Adams, have you or any
10 member of your family ever been a witness or a victim in
11 a criminal case?

12 PROSPECTIVE JUROR NUMBER 71: No audible
13 response.

14 EXAMINATION OF PROSPECTIVE JUROR NUMBER 97
15 BY THE COURT:

16 Q. Mr. Dressman, is there any reason, whether I've
17 asked about it or not, as to why you believe you could
18 not be a fair and impartial juror in this case?

19 A. No. There is one situation. About two and a half
20 years ago a woman walked into the side of my car in the
21 parking lot in Missouri, I think that I hit her, and the
22 claim was denied by the insurance company, and it's now
23 in litigation. I don't know if that matters. I don't see
24 how it's relevant, but I thought you ought to know.

1 Q. So that is a pending claim?

2 A. It is a pending claim.

3 Q. And you say that was Peoria; is that right?

4 A. No, it was in Missouri, Columbia, Missouri.

5 Q. Missouri? All right, has the litigation been
6 filed in Missouri, or is that litigation filed here?

7 A. In Missouri.

8 Q. Is there anything about your experience in that
9 case that would cause you to be influenced one way or
10 the other in how you would decide this case today if you
11 were picked as a juror?

12 A. No, I don't think so.

13 THE COURT: All right. Ms. Pavia, is there
14 any reason, whether I've asked about it or not, as to
15 why you believe you could not be a fair and impartial
16 juror in this case?

17 PROSPECTIVE JUROR NUMBER 13: No.

18 THE COURT: Mr. Amundsen, is there any
19 reason, whether I've asked about it or not, as to why
20 you believe you could not be a fair and impartial juror?
21 This case?

22 PROSPECTIVE JUROR NUMBER 35: No.

23 THE COURT: Mr. Adams, is there any reason,
24 whether I've asked about it or not, as to why you

1 believe you could not be a fair and impartial juror in
2 this case?

3 PROSPECTIVE JUROR NUMBER 71: No.

4 THE COURT: All right. Will
5 Ms. Sharples-Brooks and Mr. Osterbur approach?

6 (Off-the-record record discussion.)

7 THE COURT: Ms. Sharples-Brooks, does the
8 State accept this panel?

9 MS. SHARPLES-BROOKS: Yes, your Honor.

10 THE COURT: Mr. Osterbur, do you accept this
11 panel?

12 DEFENDANT MR. OSTERBUR: Yes.

13 THE COURT: All right, thank you. If you'll
14 rise, and if you need to go back and get your materials
15 there, the court officer will take you to the jury
16 room. Please rise.

17 (Second panel of four jurors duly selected
18 and impaneled.)

19 THE COURT: Please be seated. This time it's
20 probably easier to count from this end. The first person
21 called take the third seat over in the back row, the
22 second person called the second seat over in the back
23 row, and then the third person called take the second
24 seat in in the front row, fourth called, the seat here

1 nearest to me in the front row.

2 (The following prospective jurors were
3 called and seated in the jury box: Juror No. 70, Julie
4 Claussen; Juror No. 103, Kevin Pawlak; Juror No. 101,
5 Michael Stevenson, and Juror No. 3, Nancy Benison.).

6 THE COURT: Good morning. I'm going to ask
7 each of you, when I give your juror number, to tell me
8 how to pronounce your name. Ms. -- well, Number 70,
9 please.

10 PROSPECTIVE JUROR NUMBER 70: Julie
11 Claussen.

12 THE COURT: It's Claussen? All right. Number
13 103.

14 PROSPECTIVE JUROR NUMBER 103: Kevin Pawlak.

15 THE COURT: Juror 101.

16 PROSPECTIVE JUROR NUMBER 101: Michael
17 Stevenson.

18 THE COURT: And Number 3.

19 PROSPECTIVE JUROR NUMBER 3: Nancy Benison.

20 THE COURT: I am not sure I'm always going
21 to get those correctly pronounced. Ms. Claussen, do you
22 know the defendant, Mr. Osterbur?

23 PROSPECTIVE JUROR NUMBER 70: No.

24 THE COURT: Mr. Pawlak, do you know Mr.

1 Osterbur?

2 PROSPECTIVE JUROR NUMBER 103: No, I do not.

3 THE COURT: Mr. Stevenson, do you know Mr.

4 Osterbur?

5 PROSPECTIVE JUROR NUMBER 101: No, I do not.

6 THE COURT: And Ms. Benison, do you know the

7 defendant?

8 PROSPECTIVE JUROR NUMBER 3: No.

9 THE COURT: Mr. Pawlak, do you know

10 Ms. Sharples-Brooks?

11 PROSPECTIVE JUROR NUMBER 103: No, I do not.

12 THE COURT: All right, second one in. Do
13 you know the the state's attorney's representative here,

14 Ms. Sharples-Brooks?

15 PROSPECTIVE JUROR NUMBER 70: (No audible
16 response).

17 THE COURT: Mr. Stevenson, do you know

18 Ms. Sharples-Brooks?

19 PROSPECTIVE JUROR NUMBER 101: No.

20 THE COURT: Ms. Benison, do you know

21 Ms. Sharples-Brooks?

22 PROSPECTIVE JUROR NUMBER 3: No.

23 THE COURT: Do you know the following

24 person? Officer Sean Weary of the Gifford Police

1 Department, Ms. Claussen?

2 PROSPECTIVE JUROR NUMBER 70: (No audible
3 response).

4 THE COURT: Mr. Pawlak?

5 PROSPECTIVE JUROR NUMBER 103: No.

6 THE COURT: Mr. -- yes, Mr. Stevenson?

7 PROSPECTIVE JUROR NUMBER 101: No.

8 THE COURT: And Ms. Benison?

9 PROSPECTIVE JUROR NUMBER 3: No.

10 THE COURT: Do you understand that the
11 citation is not any evidence of guilt against the
12 defendant, Ms. Claussen?

13 PROSPECTIVE JUROR NUMBER 70: Yes.

14 THE COURT: Mr. Pawlak?

15 PROSPECTIVE JUROR NUMBER 103: Yes.

16 THE COURT: Mr. Stevenson?

17 PROSPECTIVE JUROR NUMBER 101: Yes.

18 THE COURT: Ms. Benison?

19 PROSPECTIVE JUROR NUMBER 3: Yes.

20 THE COURT: Do you understand that the
21 defendant is presumed innocent, Ms. Claussen?

22 PROSPECTIVE JUROR NUMBER 70: Yes.

23 THE COURT: Mr. Pawlak?

24 PROSPECTIVE JUROR NUMBER 103: Yes.

1 THE COURT: Mr. Stevenson.

2 PROSPECTIVE JUROR NUMBER 101: Yes.

3 THE COURT: Ms. Benison?

4 PROSPECTIVE JUROR NUMBER 3: Yes.

5 THE COURT: Do you understand -- and I'm
6 not sure if I asked this one or not -- do you
7 understand that the defendant's presumed innocent,
8 Ms. Claussen, Mr. Pawlak, Mr. Stevenson, Ms. Benison?
9 (One audible response from three jurors.)
10 JUROR NUMBER 3: Yes.

11 THE COURT: Do you understand that the
12 burden is on on the State in a criminal case to proven
13 the defendant guilty beyond a reasonable doubt,
14 Ms. Claussen?

15 PROSPECTIVE JUROR NUMBER 70: Yes.

16 THE COURT: Mr. Pawlak?

17 PROSPECTIVE JUROR NUMBER 103: Yes.

18 THE COURT: Mr. Stevenson?

19 PROSPECTIVE JUROR NUMBER 101: Yes.

20 THE COURT: Ms. Benison?

21 PROSPECTIVE JUROR NUMBER 3: Yes.

22 THE COURT: Is there anything about the
23 nature of the charge in this case that would impair your
24 ability to be a fair and impartial juror, Ms. Claussen?

1 PROSPECTIVE JUROR NUMBER 70: No.
2 THE COURT: Mr. Pawlak?
3 PROSPECTIVE JUROR NUMBER 103: No.
4 THE COURT: Mr. Stevenson?
5 PROSPECTIVE JUROR NUMBER 101: No.
6 THE COURT: Ms. Benison?
7 PROSPECTIVE JUROR NUMBER 3: No.
8 THE COURT: All right. Do you understand
9 that neither sympathy nor prejudice should influence
10 your decision in deciding this case, Ms. Claussen?
11 PROSPECTIVE JUROR NUMBER 70: (No audible
12 response).
13 THE COURT: Mr. Pawlak?
14 PROSPECTIVE JUROR NUMBER 103: Yes.
15 THE COURT: Mr. Stevenson?
16 PROSPECTIVE JUROR NUMBER 101: Yes.
17 THE COURT: Ms. Benison?
18 PROSPECTIVE JUROR NUMBER 3: Yes.
19 THE COURT: Do you understand that you are
20 the sole judge of the credibilities of the witnesses,
21 and of the weight to be given to each of them,
22 Ms. Claussen?
23 PROSPECTIVE JUROR NUMBER 70: Yes.
24 THE COURT: Mr. Pawlak?

1 PROSPECTIVE JUROR NUMBER 103: Yes.

2 THE COURT: Mr. Stevenson.

3 PROSPECTIVE JUROR NUMBER 101: Yes.

4 THE COURT: Ms. Benison?

5 PROSPECTIVE JUROR NUMBER 3: Yes.

6 THE COURT: Would you give more weight to

7 the testimony of a police officer just because that is

8 his or her job, Ms. Claussen?

9 PROSPECTIVE JUROR NUMBER 70: (No audible

10 response).

11 THE COURT: Mr. Pawlak, would you give more

12 weight to the testimony of a police officer just because

13 that is his or her job?

14 PROSPECTIVE JUROR NUMBER 103: No.

15 THE COURT: Mr. Stevenson, how about you?

16 Would you give more weight to the testimony --

17 PROSPECTIVE JUROR NUMBER 101: No.

18 THE COURT: -- of police officers just

19 because that is his or her job?

20 PROSPECTIVE JUROR NUMBER 101: No.

21 THE COURT: Ms. Benison, would you give more

22 weight to the testimony of a police officer just because

23 that is his or her job?

24 PROSPECTIVE JUROR NUMBER 3: No.

1 THE COURT: Do you understand that you must
2 wait for all the evidence, arguments, and instructions
3 before you make up your mind, Ms. Claussen?

4 PROSPECTIVE JUROR NUMBER 70: (No audible
5 response.)

6 THE COURT: Mr. Pawlak?

7 PROSPECTIVE JUROR NUMBER 103: No.

8 THE COURT: Mr. Stevenson?

9 PROSPECTIVE JUROR NUMBER 101: Yes.

10 THE COURT: Ms. Benison.

11 PROSPECTIVE JUROR NUMBER 3: Yes.

12 THE COURT: Will you follow the instructions
13 of law which I will give you, even if you might
14 personally disagree with one or more, Ms. Claussen?

15 PROSPECTIVE JUROR NUMBER 70: Yes.

16 THE COURT: Mr. Pawlak?

17 PROSPECTIVE JUROR NUMBER 103: Yes.

18 THE COURT: Mr. Stevenson?

19 PROSPECTIVE JUROR NUMBER 101: Yes.

20 THE COURT: Ms. Benison?

21 PROSPECTIVE JUROR NUMBER 3: Yes.

22 THE COURT: Now I have four questions I'm
23 going to ask each of you individually, and please
24 understand that this is -- in effect, it's somewhat

1 conditional. You must tell me whether you understand,
2 and whether you accept. You have to -- your answer will
3 have to -- to be the same as to both of those elements
4 to serve, or to be considered, at least for further
5 examination.

6 Ms. Claussen, do you understand and accept
7 that the defendant is presumed innocent of the charge
8 against him?

9 PROSPECTIVE JUROR NUMBER 70: Yes.

10 THE COURT: Do you understand and accept
11 that before the defendant can be convicted, the State
12 must prove the defendant guilty beyond a reasonable
13 doubt?

14 PROSPECTIVE JUROR NUMBER 70: Yes.

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

18 PROSPECTIVE JUROR NUMBER 70: Yes.

19 THE COURT: Do you understand and accept
20 that the defendant's failure to testify cannot be held
21 against him?

22 PROSPECTIVE JUROR NUMBER 70: Yes.

23 THE COURT: Mr. Pawlak, do you understand
24 and accept that the defendant is presumed innocent of

1 the charge against him?

2 PROSPECTIVE JUROR NUMBER 103: Yes.

3 THE COURT: And you understand and accept
4 that before the defendant can be convicted, the State
5 must prove him guilty beyond a reasonable doubt?

6 PROSPECTIVE JUROR NUMBER 103: Yes.

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

10 PROSPECTIVE JUROR NUMBER 103: Yes.

11 THE COURT: Do you understand and accept
12 that the defendant's failure to testify cannot be held
13 against him?

14 PROSPECTIVE JUROR NUMBER 103: Yes.

15 THE COURT: Mr. Stevenson, the same four
16 questions to you. Do you understand and accept that the
17 defendant is presumed innocent of the charge against
18 him?

19 PROSPECTIVE JUROR NUMBER 101: Yes.

20 THE COURT: Do you understand and accept
21 that before the defendant can be convicted, the State
22 must prove the defendant guilty beyond a reasonable
23 doubt?

24 PROSPECTIVE JUROR NUMBER 101: Yes

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

4 PROSPECTIVE JUROR NUMBER 101: Yes.

5 THE COURT: Do you understand and accept
6 that the defendant's failure to testify cannot be held
7 against him?

8 PROSPECTIVE JUROR NUMBER 101: Yes.

9 THE COURT: Ms. Benison, do you understand
10 and accept that the defendant's presumed innocent of the
11 charge against him?

12 PROSPECTIVE JUROR NUMBER 3: Yes.

13 THE COURT: Do you understand and accept
14 that before the defendant can be convicted, the State
15 must prove the guilt -- the defendant guilty beyond a
16 reasonable doubt?

17 PROSPECTIVE JUROR NUMBER 3: Yes.

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

21 PROSPECTIVE JUROR NUMBER 3: Yes.

22 THE COURT: Do you understand and accept
23 that the defendant's failure to testify cannot be held
24 against him?

1 PROSPECTIVE JUROR NUMBER 3: Yes.

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

7 PROSPECTIVE JUROR NUMBER 70: Yes.

8 THE COURT: Mr. Pawlak?

9 PROSPECTIVE JUROR NUMBER 103: Yes.

10 THE COURT: Mr. Stevenson?

11 PROSPECTIVE JUROR NUMBER 101: Yes.

12 THE COURT: Ms. Benison?

13 PROSPECTIVE JUROR NUMBER 3: Yes.

14 THE COURT: Ms. Claussen, have you or any
15 member of your family, or any friend, ever been charged
16 with a criminal offense?

17 PROSPECTIVE JUROR NUMBER 70: (No audible
18 response).

19 EXAMINATION OF PROSPECTIVE JUROR NUMBER 103

20 BY THE COURT:

21 Q. Mr. Pawlak, have you or any member of your
22 family, or any friend ever been charged with a criminal
23 offense?

24 A. Yes.

1 Q. How close a connection to you?

2 A. Me.

3 Q. How long ago?

4 A. It's been about 14 years.

5 Q. Was that here in Champaign County?

6 A. No, it was not.

7 Q. Is that case concluded?

8 A. Yes, it is.

9 Q. Okay, do you believe that you were treated fairly
10 in that case?

11 A. Yes, I was.

12 Q. Do you believe you will be able to separate your
13 experience in that case from the --

14 A. Yes, I can.

15 Q. -- matters that you'll be deciding here today,
16 and how you'll decide those?

17 A. Yes, I can.

18 Q. What was the nature of the offense?

19 A. Driving on a suspended license.

20 THE COURT: All right. Mr. Stevenson, have
21 you or any member of your family, or any friend, ever
22 been charged with a criminal offense?

23 PROSPECTIVE JUROR NUMBER 101: No.

24 THE COURT: All right. Ms. Benison, have you

1 or any member of your family ever been charged with a
2 criminal offense?

3 PROSPECTIVE JUROR NUMBER 3: No.

4 EXAMINATION OF PROSPECTIVE JUROR NUMBER 70

5 BY THE COURT:

6 Q. Ms. Claussen, have you ever received a traffic
7 ticket?

8 A. Yes.

9 Q. What type of ticket was it?

10 A. When I was 16, it was a stop sign, I received a
11 ticket for that, and then --

12 Q. All right. How was your interaction with the
13 police officer who gave you the ticket?

14 A. From what I can remember, fine.

15 Q. All right. How was that ticket resolved?

16 A. I paid the ticket.

17 EXAMINATION OF PROSPECTIVE JUROR NUMBER 103

18 BY THE COURT:

19 Q. All right. Mr. Pawlak, you have indicated you did
20 receive a traffic ticket, or what we consider to be a
21 traffic ticket. How was that case resolved?

22 A. It was dismissed.

23 Q. All right. How was your interaction with the
24 police officer who gave you the ticket?

1 A. Mediocre.

2 Q. All right. Would you be able to separate your
3 thoughts on how you were -- how the interaction with
4 the officer was, from how you will hear and consider the
5 evidence in this case?

6 A. Yes.

7 Q. Do you believe you'll be able to set that
8 experience that you had behind you in deciding the
9 issues of this case?

10 A. Yes.

11 Q. All right. If you were to be in a defendant's
12 position, and somebody with your experience was on a
13 jury, would you want that juror to be left on the jury?

14 A. I would have to say no.

15 Q. All right. Is that because you're not sure that
16 you can totally separate your own experience?

17 A. I can do that.

18 Q. You can do that, you think?

19 A. (No audible response).

20 EXAMINATION OF PROSPECTIVE JUROR NUMBER 101

21 BY THE COURT:

22 Q. Okay. Mr. Benison, have you ever received a
23 traffic ticket? Excuse me. I said Mr. Benison, Mr.
24 Stevenson, excuse me.

1 A. Yes, I have.

2 Q. All right. What type of ticket was it?

3 A. Speeding ticket about eight years ago.

4 Q. How was your interaction with the police officer
5 who gave you the ticket?

6 A. He was very professional.

7 Q. All right. How was that ticket resolved?

8 A. I paid it.

9 Q. All right, so totally concluded?

10 A. Yes.

11 EXAMINATION OF PROSPECTIVE JUROR NUMBER 3

12 BY THE COURT:

13 Q. Ms. Benison, I'll ask you, did you ever receive a
14 traffic ticket?

15 A. Yes.

16 Q. What type of ticket was it?

17 A. Speeding.

18 Q. How was your interaction with the police officer
19 who gave you the ticket?

20 A. It was fine.

21 Q. Was the ticket resolved?

22 A. Yes.

23 Q. It's all concluded now?

24 A. Yes.

1 THE COURT: Ms. Claussen, have you or any
2 member of your family of been a witness or a victim in a
3 criminal case?

4 PROSPECTIVE JUROR NUMBER 70: (No audible
5 response).

6 THE COURT: Mr. Pawlak, have you or any
7 member of your family ever been a witness or a victim in
8 a criminal case?

9 PROSPECTIVE JUROR NUMBER 103: No.

10 THE COURT: Mr. Stevenson, have you or any
11 member of your family ever been a witness or a victims
12 in a criminal case?

13 PROSPECTIVE JUROR NUMBER 101: No.

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

17 PROSPECTIVE JUROR NUMBER 3: No.

18 THE COURT: Is there any reason, whether
19 I've asked about it or not, is to why you do not believe
20 you could be a fair and impartial juror in this case
21 that we're here on today, Ms. Claussen?

22 PROSPECTIVE JUROR NUMBER 70: (No audible
23 response).

24 THE COURT: Mr. Pawlak?

1 PROSPECTIVE JUROR NUMBER 103: No.

2 THE COURT: Mr. Stevenson?

3 PROSPECTIVE JUROR NUMBER 101: No.

4 THE COURT: Ms. Benison?

5 PROSPECTIVE JUROR NUMBER 3: No.

6 THE COURT: All right. If counsel and Mr.
7 Osterbur could approach, please?

8 (Off-the-record discussion at the side bar.)

9 THE COURT: Does the State accept this
10 panel, Ms. Sharples-Brooks?

11 MS. SHARPLES-BROOKS: Yes, your Honor.

12 THE COURT: Mr. Osterbur, do you accept this
13 panel?

14 DEFENDANT MR. OSTERBUR: Yes.

15 THE COURT: All right. If you'll please
16 rise, I'll ask the officer to take the four back to the
17 jury room. If you need to go back into the gallery to
18 select your belongings, why, please do so.

19 (Jurors duly selected and impaneled.)

20 THE COURT: All right, please be seated. I
21 will consider in selecting up to two alternates. Do you
22 have a preference, Ms. Sharples-Brooks, for how many you
23 believe we should select?

24 MS. SHARPLES-BROOKS: No, your Honor.

1 THE COURT: Mr. Osterbur, did you have a
2 preference?

3 DEFENDANT MR. OSTERBUR: No.

4 THE COURT: All right. Do any of you think
5 we can have this case go to a jury of twelve people if
6 we only select one alternate?

7 MS. SHARPLES-BROOKS: I think that would be
8 fine, your Honor.

9 DEFENDANT MR. OSTERBUR: That would be fine.

10 THE COURT: Is one satisfactory to you?

11 DEFENDANT MR. OSTERBUR: Sure.

12 THE COURT: All right. We'll then consider
13 doing this with one alternate. So the person that is
14 called, I'll ask you to go to the back row, the seat
15 nearest my end, to be seated, and we'll ask you some
16 questions.

17 (Juror No. 23, Galen Rafferty, was called
18 and seated in the jury box.)

19 THE COURT: Good morning.

20 DEFENDANT MR. OSTERBUR: Good morning.

21 EXAMINATION OF PROSPECTIVE JUROR NUMBER 23

22 BY THE COURT:

23 Q. What is your name?

24 A. Galen Rafferty.

1 Q. All right. Do you know the defendant, Mr.
2 Osterbur?

3 A. I do not.

4 Q. Do you know Ms. Sharples-Brooks?

5 A. I do not.

6 Q. Do you know Officer Sean Weary of the Gifford
7 Police Department?

8 A. No.

9 Q. Do you understand that the traffic citation is
10 not any evidence of guilt against the defendant?

11 A. Yes.

12 Q. And do you understand the defendant is presumed
13 innocent?

14 A. Yes.

15 Q. Do you understand that the burden is on the State
16 in a criminal case to prove the defendant guilty beyond
17 a reasonable doubt.

18 A. Yes.

19 Q. Is there anything about the nature of this case
20 that would -- would impair your ability to be a fair
21 and impartial juror? In other words, anything about what
22 he is charged with that would cause you to have
23 difficulty being a fair and impartial juror?

24 A. No.

1 Q. Do you understand that neither sympathy nor
2 prejudice should influence your decision?

3 A. Yes.

4 Q. Do you understand that you are the sole judge of
5 the credibilities of the witnesses, and the weight to be
6 given to each of them?

7 A. Yes.

8 Q. Would you give more weight to the testimony of a
9 police officer, just because that is his or her job?

10 A. No.

11 Q. Do you understand that you must wait for all the
12 evidence, arguments, and instructions before you make
13 up your mind?

14 A. Yes.

15 Q. Will you follow the instructions of law which I
16 will give, even if you might personally disagree with
17 one or more instructions?

18 A. Yes.

19 Q. All right. Do you understand and accept that the
20 defendant is presumed innocent of the charge against
21 him?

22 A. Yes.

23 Q. Do you understand and accept that before the
24 defendant can be convicted, the State must prove the

1 defendant guilty beyond a reasonable doubt?

2 A. Yes.

3 Q. Do you understand and accept that the defendant
4 is not required to offer any evidence on his own behalf?

5 A. Yes.

6 Q. Do you understand and accept that the defendant's
7 failure to testify cannot be held against him?

8 A. Yes.

9 Q. Do you understand that as a juror you're required
10 to consider the evidence in light of your own
11 observations and experiences in life?

12 A. Yes.

13 Q. Have you, or any member of your family, or any
14 friend ever been charged with a criminal offense?

15 A. Aside from traffic tickets, no.

16 Q. All right. What kind of traffic ticket was it?

17 A. Speeding tickets.

18 Q. All right. How was your interaction with the
19 police officer who gave you the ticket?

20 A. I never received a ticket, a family member.

21 Q. All right, a family member did. Do you have any
22 personal knowledge of how that interaction occurred?

23 A. As far as I know it was professional every time.

24 Q. Do you know how that ticket was resolved?

1 A. I don't.

2 Q. Have you or any member of your family --

3 A. (Inaudible response).

4 Q. -- ever been a witness or a victim in a
5 criminal case?

6 A. No.

7 Q. Is there any reason, whether I've asked about it
8 or not, as to why you believe you could not be a fair
9 and impartial juror in this case?

10 A. No.

11 THE COURT: All right. If
12 Ms. Sharples-Brooks, Mr. Osterbur, could approach,
13 please?

14 (Off-the-record discussion at the side bar.)

15 THE COURT: All right. You may have a seat,
16 sir. Ms. Sharples-Brooks, do you -- does the State
17 accept this panel?

18 MS. SHARPLES-BROOKS: Yes, your Honor.

19 THE COURT: All right. Well, I should say
20 this alternate, rather.

21 MS. SHARPLES-BROOKS: Yes.

22 THE COURT: Mr. Osterbur, do you accept this
23 alternate?

24 DEFENDANT MR. OSTERBUR: Yes.

1 THE COURT: All right.

2 (Remaining jurors excused.)

3 THE COURT: All right. And if you want to
4 just bring the jurors back, please.

5 When we get the jury back, we'll have them
6 sworn, and then I plan on giving them a recess. How much
7 time do you think you'll be talking about for your
8 opening statement? Do you think if we take a ten minute
9 recess, that'll be enough to get you ready?

10 MS. SHARPLES-BROOKS: Your Honor, my
11 preference would just be to wait until we start this
12 afternoon. I think everything can easily be resolved in
13 the afternoon session, and that way they'll hear
14 everything and say the witnesses all together.

15 THE COURT: So you don't want to even do
16 opening statements until this afternoon?

17 MS. SHARPLES-BROOKS: No, your Honor.

18 DEFENDANT MR. OSTERBUR: I would object, why
19 not get on with it?

20 THE COURT: Very frankly, probably more
21 often than not we don't start until the afternoon. We
22 just got our jury picked a little quicker than many
23 times here. All right. I'll wait, but can we get started
24 at one o'clock then?

1 MS. SHARPLES-BROOKS: Your Honor, we set a
2 matter this morning for 1:15.

3 THE COURT: That's right, we do have that
4 1:15 case. All right, I'll say 1:30 then. When we come
5 back what we'll do is; I'll have them sworn and then
6 we'll release them. You may go, too, and be back here
7 for this trial at 1:30. But that's -- we'll wait to do
8 that on the record when the jury is here. They should be
9 in momentarily. Do you have your jury instructions done?

10 MS. SHARPLES-BROOKS: Yes, your Honor.

11 THE COURT: If you would like, you could
12 give a set of those to Mr. Osterbur, so he can look
13 those over at his convenience before 1:30.

14 (Off-the-record discussion. Jury returned
15 into open court.)

16 THE COURT: All right, please be seated. The
17 court has another case at 1:15, so we believe that will
18 be done well before 1:30, but it's been determined that
19 probably it would be smoothest if we don't do opening
20 statements until we bring you back and start at 1:30,
21 and that way we can go directly from opening statement
22 into any evidence, and proceed through. I do believe we
23 will be done with the case today, so that should not
24 hold you up too much. I am going to release you now at

1 this time, and ask you to be back so that you're ready
2 to be seated as soon as we can call the the case, at or
3 as soon after 1:30 as we're able to do that. So to the
4 court officer, have you talked with them, and you didn't
5 know this because you were back there, so where do you
6 want them to assemble, so that if we're ready to start
7 at 1:30, they will be able to be here?

8 COURT SECURITY OFFICER: (Inaudible
9 response).

10 THE COURT: We'll then release you to the
11 custody of the court officer for her instructions back
12 in the jury room, and then please be back here, wherever
13 she tells you to be, so that we can resume this case
14 this afternoon. We'll ask you to not discuss the case
15 with anybody. Don't do any independent investigation of
16 either the law or the facts of the case. Just wait until
17 you hear the the evidence, and get your instructions
18 this afternoon. All right. We are going to be in recess
19 then at this time, and I'll ask that -- well, we do
20 have to swear you though, before we get started, so I'll
21 ask you to all rise to be sworn and then we'll have you
22 released to the the jury room.

23 (Jurors sworn and excused.)

24 THE COURT: All right, I'll ask

1 Ms. Sharples-Brooks and Mr. Osterbur to be back here at
2 1:25 p.m. this afternoon. We're in recess.

3 (Recess declared.)

4 THE COURT: Case number 11 TR 22442, People
5 vs. James F. Osterbur. People are present by Assistant
6 State's Attorney Claire Sharples-Brooks. Defendant's
7 present pro se. Are we ready to have the jury brought
8 back for opening statements?

9 MS. SHARPLES-BROOKS: Yes, your Honor.

10 THE COURT: All right. If you could bring
11 the jurors in, please.

12 (Jury returned into open court.)

13 THE COURT: All right. The parties are
14 present, the jury's been returned to the courtroom. Are
15 you ready for opening statement, Ms. Sharples-Brooks?

16 MS. SHARPLES-BROOKS: Yes, your Honor.

17 THE COURT: All right, you may proceed.

18 MS. SHARPLES-BROOKS: Thank you. May it
19 please the court.

20 THE COURT: Ms. Sharples-Brooks.

21 MS. SHARPLES-BROOKS: Everyone is required
22 to obey the traffic laws of this state all the time. On
23 November 30th, 2011, this defendant, James Osterbur, did
24 not obey a stop sign, he just drove through it. When the

1 officer saw him drive through the stop sign, he issued a
2 citation, and today we're here because this defendant is
3 charged with disobeying a traffic control device.

4 In a few moments you'll hear from that
5 officer, and once the trial has come to a finish and
6 you've heard all of the evidence, the State will ask you
7 to return a verdict of guilty for disobeying a traffic
8 control device, because that is the only verdict that
9 this evidence will support. Thank you.

10 THE COURT: Mr. Osterbur, you have an
11 opening statement?

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

14 MS. SHARPLES-BROOKS: Objection, your Honor.
15 Opening statements are not for argument.

16 THE COURT: I understand that, and I'll
17 caution Mr. Osterbur this this is not an opportunity to
18 argue. With he, being a pro se, this one time will be
19 given latitude to have said that he was arguing. But
20 from now on, I'm caution -- I caution you that your
21 remarks must be a recitation of what you believe the
22 evidence will show. You'll have the opportunity for
23 argument when we finish with the evidence.

24 DEFENDANT MR. OSTERBUR: I believe the

1 evidence will show that the police officer was stalking.
2 I believe the evidence will show that the police officer
3 was threatening me. I believe that the evidence will
4 show that the -- there are extenuating circumstances,
5 and I believe that there are things that should be said
6 regarding the law and that we, the people, things that
7 are threatening to us all.

8 THE COURT: The prosecution may call its
9 first witness.

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

12 THE COURT: Chief of Police Sean Weary is
13 called by the People. Go ahead when you're ready.

14 MS. SHARPLES-BROOKS: Thank you.

15 SEAN WEARY,
16 Called as a witness by the People, being first duly
17 sworn, was examined and testified as follows:

18 DIRECT EXAMINATION

19 BY MS. SHARPLES-BROOKS:

20 Q. Please state your name, and spell your last name
21 for the record?

22 A. Sean Weary, w e A r y.

23 Q. What is your occupation?

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

1 Gifford.

2 Q. And how long have you been a police officer?

3 A. Since the year 2000.

4 Q. Were you on duty November 30th, 2011?

5 A. Yes.

6 Q. Were you in uniform?

7 A. Yes.

8 Q. Were you driving a marked police car that day?

9 A. Yes.

10 Q. Where were you at approximately 10:30 that
11 morning?

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

15 Q. Are those public streets in Champaign County?

16 A. Yes.

17 Q. Are there any traffic control devices in that
18 area, those three roads that you just described?

19 A. Yes, sir.

20 Q. And what kind of devices are they?

21 A. They're stop signs.

22 Q. Are the stop signs in that area clearly visible
23 to drivers?

24 A. Yes, they are.

1 Q. Now while you were in this area patrolling in
2 Gifford, did you see a 1987 blue Ford Bronco?

3 A. I did.

4 Q. And what drew your attention to that vehicle?

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

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

16 A. I was about ten feet behind it.

17 Q. Okay. So you were directly behind it?

18 A. Yes, right behind it.

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

21 A. Yes.

22 Q. And what happened at that junction?

23 A. Well, the vehicle in front of me didn't stop at
24 the stop sign, and I stopped to make sure that there was

1 no traffic coming, and then I proceeded to initiate a
2 traffic stop.

3 Q. And did you make contact with the driver?

4 A. I did.

5 Q. Do you see the driver of that car in the
6 courtroom today?

7 A. Yes.

8 Q. Please could you point to the driver and identify
9 something they're wearing?

10 A. He's wearing a blue and orange coat.

11 MS. SHARPLES-BROOKS: May the record reflect
12 that the officer has identified the defendant as the
13 driver?

14 THE COURT: The record will reflect this
15 witness has identified the defendant in open court as
16 the driver.

17 Q. What did the driver say to you when you stopped
18 him?

19 A. I explained who I was and why I stopped him. And
20 then he basically proceeded to tell me that he didn't
21 feel it was necessary to stop at the stop sign. And I
22 asked him to elaborate why, and he proceeded to tell me
23 that in today's society that people don't use common
24 sense, and he was using common sense, and as there was

1 no vehicles coming, he didn't see that it was necessary
2 to stop at the stop sign.

3 DEFENDANT MR. OSTERBUR: I object.

4 THE COURT: On what basis?

5 DEFENDANT MR. OSTERBUR: That is not
6 factual.

7 THE COURT: Well, you'll have your
8 opportunity, if it's considered to be relevant, to put
9 on your version of the conversation. Just because you
10 disagree with the witness on the facts is not a
11 reasonable basis for a proper objection. The objection's
12 overruled.

13 Q. What did you do after you had this conversation
14 with the defendant?

15 A. I collected his information, and driver's
16 license, and insurance card, went back and wrote him a
17 citation for not stopping at the stop sign at 136 and
18 Main Street.

19 MS. SHARPLES-BROOKS: Thank you. No further
20 questions, your Honor.

21 THE COURT: Cross-examination.

22 DEFENDANT MR. OSTERBUR: Do I have an
23 opportunity to get a witness, though? (Inaudible
24 remarks)

1 THE COURT: I'm sorry, I didn't understand
2 what your question was.

3 DEFENDANT MR. OSTERBUR: I have a different
4 version of what --

5 THE COURT: Well, you'll be -- you'll have
6 the opportunity to testify if you want to testify. You
7 don't have to testify, but if you want to, you may.

8 DEFENDANT MR. OSTERBUR: I will.

9 THE COURT: All right.

10 DEFENDANT MR. OSTERBUR: But do I do it
11 after he --

12 THE COURT: Yes, this is your opportunity
13 for cross-examination of this witness now.

14 DEFENDANT MR. OSTERBUR: All right.

15 CROSS-EXAMINATION

16 BY DEFENDANT MR. OSTERBUR:

17 Q. When I first noticed you I was driving into the
18 city of Gifford.

19 THE COURT: Stop.

20 DEFENDANT MR. OSTERBUR: Okay.

21 THE COURT: That is testimony.

22 Cross-examination is questions for the witness.

23 Q. Are you driving -- prior to being on the north
24 side, were you on the south side of Gifford?

1 A. No.

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

4 A. No.

5 Q. Did you follow me through three stop signs?

6 A. No.

7 Q. When I was -- when you stopped me on the
8 interstate -- or not the interstate, on 136,
9 immediately after the stop sign I got out of the
10 vehicle, did I not?

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

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

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

17 Q. That was my own personal --

18 A. Yes.

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

21 A. Yes.

22 Q. I looked into the side-view mirror and noticed
23 you, that you immediately grabbed for your pistol and
24 tried to get it out. So I looked back, because that is a

1 threat. Do you recall that?

2 A. No.

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

9 MS. SHARPLES-BROOKS: Objection, your Honor,
10 this is a compound question. The defendant asks --

11 THE COURT: Sustained. You'll have to break
12 it down so that you have a question with a single part.

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

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

18 Q. If there's no one there at the time, then the
19 potential is not there? Was there a clear view at each
20 of these stop signs so that you could see clearly in
21 both directions prior to getting to that stop sign?

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

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

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

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

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

7 Q. What do you mean?

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

10 Q. Before I got to?

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

12 Q. Before I got to the stop sign?

13 A. Yes.

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

15 A. I don't know.

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

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

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

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

3 A. I don't know.

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

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

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

12 A. No.

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

17 A. No.

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

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

23 THE COURT: The objection is sustained. I'll
24 ask the jury to disregard the profited reason by the the

1 proffered reason by the defendant as to why he believes
2 it's a relevant question. That it's a matter of law
3 not relevant to these proceedings, and the question did
4 not ask for relevant information. So I'll ask you to
5 just, in effect, put the defendant's reason that he gave
6 for his question out of your mind. All right, any other
7 questions for this witness?

8 DEFENDANT MR. OSTERBUR: No, I don't believe
9 so.

10 THE COURT: All right. You may sit down,
11 sir, and I'll ask you --

12 DEFENDANT MR. OSTERBUR: Well, there is one
13 more. I did ask --

14 Q. Were you on the south side first?

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

16 THE COURT: All right. Cross exam -- or, I
17 mean redirect, rather.

18 MS. SHARPLES-BROOKS: Yes, your Honor.

19 REDIRECT EXAMINATION

20 BY MS. SHARPLES-BROOKS:

21 Q. What were you doing generally at 10:30 on
22 November 30th?

23 A. I was on patrol.

24 Q. And what town were you patrolling?

1 A. The Village of Gifford.

2 Q. How big is that village, approximately?

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

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

7 A. No.

8 MS. SHARPLES-BROOKS: Thank you. No further
9 questions.

10 THE COURT: Recross?

11 DEFENDANT MR. OSTERBUR: No.

12 THE COURT: All right. You may step down,
13 officer, thank you. Any other witnesses for the People?

14 MS. SHARPLES-BROOKS: No, your Honor, the
15 State rests.

16 THE COURT: All right. The State rests. Any
17 matters for the defense before we hear your evidence, if
18 you have any?

19 DEFENDANT MR. OSTERBUR: I prefer to
20 testify.

21 THE COURT: You may. Do you have any other
22 witnesses besides yourself that you want to call before
23 you testify?

24 DEFENDANT MR. OSTERBUR: No, I do not.

1 THE COURT: This will be for the defense,
2 the defendant testifying in his own behalf. So please
3 step up to be sworn.

4 JAMES F. OSTERBUR,
5 Defendant herein, called as a witness on his own behalf,
6 being first duly sworn, was examined and testified as
7 follows:

8 EXAMINATION

9 BY THE COURT:

10 Q. State your full name?

11 A. James Frank Osterbur.

12 Q. You are the defendant in this case; is that
13 right?

14 A. That's correct.

15 Q. Do you recall that I have advised you that you do
16 not need to testify?

17 A. I have recalled that.

18 Q. What is your address?

19 A. 2191 County Road 2500 East, St. Joseph, Illinois.

20 Q. You may go ahead and testify by narrative. If
21 there's an objection, wait until I can either rule on
22 the objection or ask for your input on the objection
23 before you go ahead.

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

1 on that date, and had -- I drive in from the south side,
2 and I first noticed the police officer as I was a
3 quarter mile out of town. He was -- he had just turned
4 off the main street, and he was going to the east. And I
5 paid little attention to him, drove through the town.
6 And that was, you know, that's probably six blocks,
7 maybe, from the place that he was noticed, to the place
8 that I stopped. He -- when I -- I went to a friend of
9 mine, that his wife was very sick with cancer, and
10 dying. And so I stopped there to see if, you know, maybe
11 I could do something for them.

12 When I came back out from the house,
13 actually, the -- they did not open the door, they
14 weren't home, they were busy or something, so I was only
15 there for five minutes.

16 So I went back, or came back down off the
17 porch, off his porch, and then proceeded to the car,
18 and the police officer was sitting behind me, the police
19 car was sitting behind me, a little bit behind at the
20 house next door.

21 I really didn't pay any attention to him,
22 because I assumed that he had a reason to be there, that
23 he was (inaudible) there or some such thing. I really
24 didn't pay much attention to him. But he could not have

1 gotten there unless he had deliberately saw my vehicle
2 and made it --

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

5 THE COURT: Sustained.

6 DEFENDANT MR. OSTERBUR: All right. Then
7 I spent, from the time that I saw him on the south side
8 of town, to the time that I saw him behind my vehicle,
9 sitting there, when I stopped to visit the person I
10 indicated, there wasn't more than five to ten minutes.
11 He had to make corner after corner, and he had to get
12 back on the street, and he had to find where I had
13 turned.

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

17 DEFENDANT MR. OSTERBUR: It's not
18 speculative.

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

24 DEFENDANT MR. OSTERBUR: The relevancy

1 would be that he had to have identified me with some
2 sort of prejudice, because why would he be going one
3 way, when I was driving the speed limit?

4 MS. SHARPLES-BROOKS: Objection, your Honor,
5 the defendant is testifying to things he has no personal
6 knowledge of.

7 THE COURT: Sustained, that'll be struck.
8 I'm sustaining the objection, and order that that
9 testimony be struck. That in and of itself is
10 speculation. It's also not relevant to the issues, given
11 the evidence we've heard so far. All right. Go on to
12 other matters that you expect to testify, please.

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

1 traffic was clear. I went one block to the next corner,
2 because I had to get back to the road, looked both ways.
3 There was no one there, it was a clear view. It was
4 absolutely -- it was a side street in Gifford,
5 Illinois, very quiet. There was no threat to anyone.

6 I did go to the main street, one block away.
7 I stopped there, and I looked both ways, because it
8 wasn't a clear corner, it had to be stopped. And finding
9 that no one was there, I then proceeded to the corner of
10 136, and I approached that with -- I went through it
11 about one mile an hour there, too. And that's because
12 the traffic was -- allowed me to do so.

13 There was -- there was -- and the police
14 officer recognized that, because he came out right
15 exactly after me. So he would be a threat, rather than
16 me, if there was anything threatening. So I believe that
17 justice assumes that there is some sort of threat, or
18 some sort of risk to society, or there is no real cause
19 for penalty in this case. There is extenuating
20 circumstances, in that people dying of cancer that you
21 know do affect your opinion just a little bit. I'm not
22 saying that's necessarily a good thing, but I'm saying
23 we all experience it.

24 So my 40 years or 50 years or whatever it is

1 of driving time at this point, having not one more
2 traffic ticket that I can remember, at least for a very
3 long time, indicates that I am a very safe driver. And I
4 can tell you that the fine for this particular
5 occurrence --

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

8 DEFENDANT MR. OSTERBUR: It is excessive.

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

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

14 THE COURT: Well, the statute sets what the
15 fine is. And while there are many considerations --

16 DEFENDANT MR. OSTERBUR: Fair play --

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

24 DEFENDANT MR. OSTERBUR: I believe that

1 the whole thing is a threat. Well, let's just look at
2 it as called a criminal case, and because, you know, so
3 everybody that gets a parking ticket is a criminal.
4 That's not fair. I believe we need to address that as a
5 society. Criminal -- what, you know criminal means, you
6 know, it can be murder or a traffic ticket. That is not
7 fair. Further, there are considerations to what is fair
8 that we need to address.

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

11 THE COURT: Objection sustained. Mr.
12 Osterbur, Mr. Osterbur, you are to direct your testimony
13 to the facts as to what happened. If you believe that
14 the statute is not written correctly, or consideration
15 of fairness go into it, your route is to go to the
16 legislature and try to convince them to re-write the
17 statute. But we're dealing here today with whether or
18 not you violated the statute as written.

19 DEFENDANT MR. OSTERBUR: Well --

20 THE COURT: Do you have any more testimony
21 in that respect?

22 DEFENDANT MR. OSTERBUR: When you say
23 that I -- you're dealing with whether I, you know,
24 broke a rule, the -- that really just states whether or

1 not what is fair about the rule, or what is a fair
2 punishment for the rule?

3 THE COURT: We're not discussing fair
4 punishment at the this point. You have not been
5 convicted. As to whether or not the court should listen
6 to you argue about whether the statute is fair, I am not
7 going to do that. The statute is in black and white. It
8 is what it is. The legislature's collective decision on
9 a matter, signed by the governor, and approved into law
10 is what we have to deal with here. It's not up to you or
11 any other driver to decide whether or not you believe
12 that is fair, and should decide whether or not, based on
13 your interpretation of fairness, obey it. Do you have
14 any factual testimony, more, that you want to give?

15 DEFENDANT MR. OSTERBUR: I don't believe
16 so. It's a case of --

17 THE COURT: All right.

18 DEFENDANT MR. OSTERBUR: -- we are all,
19 you know -- well, it's fair or it's not. You have to
20 decide that.

21 THE COURT: Just wait, she may have
22 cross-examination.

23 DEFENDANT MR. OSTERBUR: Pardon me?

24 THE COURT: Do you have any

1 cross-examination, Ms. Sharples-Brooks?

2 MS. SHARPLES-BROOKS: Yes, your Honor.

3 CROSS-EXAMINATION

4 BY MS. SHARPLES-BROOKS:

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

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

11 Q. You looked both ways?

12 A. But I was very, very careful.

13 Q. You looked both ways before you went through?

14 A. I did.

15 Q. And you did not stop?

16 A. I did not stop.

17 Q. Okay.

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

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

21 A. I looked both ways.

22 Q. And you decided not to stop?

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

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

3 A. I carefully drive, as does my drive -- as does my
4 record prove.

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

7 A. I did.

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

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

14 MS. SHARPLES-BROOKS: Thank you. That's all,
15 your Honor.

16 DEFENDANT MR. OSTERBUR: All right.

17 THE COURT: Any redirect testimony on your
18 behalf, Mr. Osterbur?

19 DEFENDANT MR. OSTERBUR: The whole idea
20 of -- of, you know, of this particular stop sign, and
21 this particular fine are subject to the reality of what
22 we do. The -- and I forgot to ask, you know, I know if
23 you drive two mile an hour over the speed limit, is that
24 worth a ticket, and is that worth a fine? Technically

1 you broke the law --

2 MS. SHARPLES-BROOKS: Objection, your Honor,
3 this is irrelevant.

4 DEFENDANT MR. OSTERBUR: It is relevant.

5 THE COURT: Sustained. This is not relevant,
6 it's argumentative, and it relates to matters that are
7 not the subject of this trial, sir. This is not a
8 speeding case.

9 DEFENDANT MR. OSTERBUR: But it is -- if
10 you go through a stop sign at one mile an hour, it is
11 very equivalent to getting a speeding ticket at two mile
12 an hour over the speed limit.

13 THE COURT: Well, that's --

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

17 THE COURT: That is a matter for argument, I
18 suppose. But it's not proper testimony, that'll be
19 stricken, and the jury is directed not to consider that
20 last argument of Mr. Osterbur as being evidence. He may
21 decide to include that in his argument, but it is not
22 evidence. So it's not to be considered by you as
23 evidence. All right. Anything else, Mr. Osterbur?

24 DEFENDANT MR. OSTERBUR: There would only

1 be the issue of, I forgot to address with the police
2 officer of how many tickets that he does write at one to
3 two mile an hour over the speed limit.

4 THE COURT: That would not be relevant,
5 either.

6 DEFENDANT MR. OSTERBUR: So I believe
7 we're done.

8 THE COURT: So it's a court's objection,
9 I'll not allow you to recall the officer for the purpose
10 of asking that question. Anything else?

11 DEFENDANT MR. OSTERBUR: Other than
12 issues that arise from what I've been told of of the
13 police officer being suspended, no.

14 THE COURT: You're suggesting hearsay
15 information been upon which there's no basis that's been
16 introduced so far, and if it were, it would not be
17 relevant to the proceedings that we have here today. So
18 that argument --

19 DEFENDANT MR. OSTERBUR: I must be done.

20 THE COURT: -- or that suggestion is
21 ordered stricken, and the jury is directed not to
22 consider it, either. All right, you may step down, sir.

23 DEFENDANT MR. OSTERBUR: All right.

24 THE COURT: Any other evidence on your side

1 of the case, sir? Any other witnesses or documentary
2 evidence?

3 DEFENDANT MR. OSTERBUR: On my side?

4 THE COURT: Yes.

5 DEFENDANT MR. OSTERBUR: Just the closing
6 argument.

7 THE COURT: Well, we'll get to that in a
8 little while. You have no other evidence?

9 DEFENDANT MR. OSTERBUR: Nope.

10 THE COURT: All right. Any rebuttal
11 evidence, Ms. Sharples-Brooks?

12 MS. SHARPLES-BROOKS: No, your Honor.

13 THE COURT: All right. Are you ready to
14 proceed with arguments then at this time, or do you need
15 a few minutes to prepare those?

16 MS. SHARPLES-BROOKS: The State is ready to
17 proceed, your Honor.

18 THE COURT: Are you ready, Mr. Osterbur?

19 DEFENDANT MR. OSTERBUR: Yes.

20 THE COURT: All right. I have already talked
21 with counsel, and Mr. Osterbur earlier today, and they
22 will be given an equal amount of time.

23 Ms. Sharples-Brooks may break hers up, so how much of
24 that -- what split do you want on your time?

1 MS. SHARPLES-BROOKS: Your Honor, may we
2 approach the bench?

3 THE COURT: You may.

4 (Off-the-record discussion at the side bar.)

5 THE COURT: All right. We'll have the jury
6 go out and do some matters here regarding things that
7 you will see later on in the form of the jury
8 instructions, and then we'll come back, go into
9 arguments, and then we'll read the instructions to you,
10 and you'll get the case right after that. So Officer, if
11 you could take the jurors back to the jury room, we'll
12 have our instruction conference at this time.

13 (The jury was removed from the courtroom.)

14 THE COURT: Please be seated. Do you have a
15 set of the originals, and the proposed instructions, the
16 numbered ones, for the court?

17 MS. SHARPLES-BROOKS: Yes, your Honor.

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

23 DEFENDANT MR. OSTERBUR: I'm not sure. I
24 do not know what happened to that set of instructions.

1 MS. SHARPLES-BROOKS: I can print another
2 set, your Honor. However if I print another set it the
3 will not be marked with the instruction numbers. Can we
4 make a copy?

5 DEFENDANT MR. OSTERBUR: I have two pages
6 here, that's all --

7 MS. SHARPLES-BROOKS: I gave you a packet
8 like this earlier this morning.

9 THE COURT: Well, I don't have a court
10 officer here. Did you find it yet?

11 DEFENDANT MR. OSTERBUR: No. Wait a
12 minute, I found it.

13 THE COURT: Okay, very good. All right. IPI
14 Number 1.01, People's Number 1(A) is being offered?

15 MS. SHARPLES-BROOKS: Yes, your Honor, and
16 the State moves to withdraw 1(B).

17 THE COURT: All right. Any objections to the
18 instruction marked People's Instruction 1(A)?

19 DEFENDANT MR. OSTERBUR: I would have to
20 find it. I assume that's the whole thing?

21 THE COURT: They should be -- it's in the
22 lower right-hand corner.

23 MS. SHARPLES-BROOKS: The first page.

24 THE COURT: They should be in order.

1 DEFENDANT MR. OSTERBUR: I will object to
2 it, but of course you'll overrule me.

3 THE COURT: What's the basis of your
4 objection?

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

7 THE COURT: Well, that doesn't necessarily
8 fit this instruction, and if you were to -- if it were
9 proper to argue that. I will give Instruction 1(A) over
10 objection.

11 All right, 1(B).

12 MS. SHARPLES-BROOKS: Withdrawn, your Honor.

13 THE COURT: Withdrawn. 1(B) is withdrawn,
14 Mr. Osterbur. People's Number 2(A).

15 MS. SHARPLES-BROOKS: That's People's motion
16 to withdraw.

17 THE COURT: Show motion to withdraw 2(A).
18 Any objections to that?

19 DEFENDANT MR. OSTERBUR: I would object
20 to that.

21 THE COURT: Why?

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

1 case.

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

5 MS. SHARPLES-BROOKS: Yes, I am, your Honor.

6 THE COURT: 2(B) is offered. Any objection
7 to that? The difference is the last sentence, because
8 you testified 2(B) is the one that's most likely
9 statutory, the IPI form instruction. Any objections to
10 that?

11 DEFENDANT MR. OSTERBUR: Not really.

12 THE COURT: All right. That'll be given.
13 2(B) will be given. Number Three, that kind of tells
14 what the statements are about. It's IPI 1.03, that'll be
15 given. Number -- People's Four --

16 DEFENDANT MR. OSTERBUR: Three is, I
17 would object to the removal of three.

18 THE COURT: On what basis?

19 MS. SHARPLES-BROOKS: He's objecting to the
20 removal of it, your Honor.

21 THE COURT: I'm including Three, Three will
22 be given.

23 DEFENDANT MR. OSTERBUR: All right.

24 THE COURT: Number -- People's Number Four.

1 That's out of IPI, that'll be given, it's one of the
2 instructions explaining procedures. Number Five,
3 People's Five. Any objection?

4 DEFENDANT MR. OSTERBUR: No.

5 THE COURT: Five will be given without
6 objection. People's Six, and this is an IPI
7 instruction, it is to be given in all of these cases. So
8 six will be given. Seven, it's the presumption of
9 innocence instruction. Any objections to that?

10 DEFENDANT MR. OSTERBUR: No.

11 THE COURT: That'll be given without
12 objection. Eight describes circumstantial evidence. Any
13 objection to People's 8?

14 DEFENDANT MR. OSTERBUR: Eight will be
15 given?

16 THE COURT: I'm asking if you had any
17 objections to it?

18 DEFENDANT MR. OSTERBUR: No.

19 THE COURT: All right, Eight will be given
20 without objection. Number -- People's 9, it's a
21 non-IPI. Any objections to that?

22 DEFENDANT MR. OSTERBUR: No.

23 THE COURT: That'll be given without
24 objection. People's 10, any objections?

1 DEFENDANT MR. OSTERBUR: I do.

2 THE COURT: What's the objection?

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

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

9 DEFENDANT MR. OSTERBUR: No, I do not.

10 THE COURT: All right. I'm going to give
11 People's 10 over objection, but it'll be given. People's
12 11, that's -- other than filling in the name of the
13 charge, it's a standard instruction. Do you have any
14 objections on that?

15 DEFENDANT MR. OSTERBUR: No.

16 THE COURT: People's 11 will be given. And
17 13 -- is there no 12?

18 MS. SHARPLES-BROOKS: No, your Honor, there
19 is no 12.

20 THE COURT: People's 13 is the form of jury
21 verdict for not guilty. Any objections to that?

22 DEFENDANT MR. OSTERBUR: No.

23 THE COURT: That'll be given, there being no
24 objection, it is appropriate in form anyway. People's

1 14, which is the guilty verdict form, that'll be given,
2 it's in appropriate form. All right. That's all you will
3 I had. Do you have any instructions you wanted to tender
4 to the court yourself, Mr. Osterbur?

5 DEFENDANT MR. OSTERBUR: No.

6 THE COURT: All right. Are we still thinking
7 ten minutes on a side for argument?

8 MS. SHARPLES-BROOKS: Yes, your Honor.

9 THE COURT: All right. You don't have to
10 take the full amount of your time. What time do you want
11 that broken down into?

12 MS. SHARPLES-BROOKS: Six and four, please.

13 THE COURT: Six and four. All right. Do
14 either side want to have a little bit more recess before
15 we call the jury back? They've been out probably about 8
16 minutes, so I could give you another few minutes if you
17 feel you want it.

18 MS. SHARPLES-BROOKS: The State is ready to
19 proceed.

20 THE COURT: All right. Are you ready to
21 proceed, Mr. Osterbur?

22 DEFENDANT MR. OSTERBUR: Yes.

23 THE COURT: All right. I'm going to give
24 them the full ten minutes, so we've got about another

1 minute before we do that. I will go -- well, you're
2 here. Do you think they'll be ready to go, or are they
3 all doing comfort breaks?

4 COURT SECURITY OFFICER: That's up to you,
5 your Honor.

6 (The jury was returned into the courtroom.)

7 THE COURT: Please be seated. We've
8 concluded our instruction conference, so we're now at
9 that part of the case that's called closing arguments.
10 Because the prosecution has the burden of proof, they
11 get the opportunity to open the closing arguments, and
12 also to close them. Each side will be allocated the same
13 amount of time in total, if they care to use the full
14 amount, but if the prosecution decides to break it into
15 two pieces, by necessity, their opening statement will
16 not be that full amount of time, and and if they do use
17 the full amount of time, then they're waiving their
18 right to do a rebuttal.

19 Ms. Sharples-Brooks, are you ready to
20 proceed on behalf of the People?

21 MS. SHARPLES-BROOKS: Yes, your Honor.

22 THE COURT: You may.

23 MS. SHARPLES-BROOKS: Everyone is required
24 to obey the law all the time. This defendant is guilty

1 of not stopping at the stop sign at Route 136 and Main
2 Street. The officer took the stand and told you that he
3 saw this defendant not come to a complete stop. And then
4 the defendant took the stand and told you that he went
5 through that stop sign at one mile per hour.

6 People do not get to decide when they will
7 and will not obey the law. On November 30th this
8 defendant decided he didn't need to obey the law. That
9 is simply not true. Once we are both finished with our
10 closing arguments, the judge will read you some
11 instructions, they're called jury instructions. You'll
12 get a copy of these to take back to the jury room with
13 you, so you don't need to worry about writing them down.
14 But I do want to draw your attention to one particular
15 instruction, and this is the instruction that tells you
16 what the State has to prove in order for you to find the
17 defendant guilty of disobeying a traffic control device.
18 It reads, "To sustain the charge of failing to obey a
19 traffic control device, the State must prove the
20 following propositions:" The first proposition is that
21 the defendant drove a vehicle, and the second
22 proposition is that when the defendant did so, he failed
23 to obey the instructions of any official traffic control
24 device.

1 So this is easy. We know he was driving a
2 vehicle, because he told us he was. The officer also
3 told us he was. But the second proposition, we know that
4 when he was driving on November 30th, he failed to obey
5 the instructions of any official traffic control device.
6 He did not obey a stop sign.

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

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

16 THE COURT: Mr. Osterbur.

17 DEFENDANT MR. OSTERBUR: Yes, I
18 understand. But this is part of the trial. This was
19 prepared for you. It is not allowed. Even though it is
20 about threats that are concerned that. Irregardless,
21 this is -- I'm not saying I didn't go through the stop
22 sign, I clearly say that I did. It was very safe, it was
23 very effective, it was part of what we all do in lots of
24 ways, in lots of things. And just as a mile an hour over

1 the speed limit is not justification for a lot of
2 things, for a ticket, because of the number of factors,
3 neither is going through a stop sign, and everything is
4 clear, and safe, and obvious to somebody else.

5 I'm here for justice rather than -- than a
6 rule of law. Justice doesn't exist as a rule. It doesn't
7 exist as a part parcel of what we are as a society. We
8 decide what is just, and we decide, or we're supposed to
9 decide, that's the idea of democracy, what is justice,
10 what is fair play, and the truth is, you cannot decide
11 what is fair, or what is just unless you know the
12 penalty. The penalty for this is excessive and extreme
13 --

14 MS. SHARPLES-BROOKS: Objection, your Honor.

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

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

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

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

23 DEFENDANT MR. OSTERBUR: All right, so
24 the judge says that you can't decide what is fair and

1 are or just, you can only decide what is -- whether or
2 not I went through the stop sign. I did go through the
3 stop sign. I went through safely. I went through with
4 concern for all people and property. I have proceeded
5 through all manner of driving, and I have driven a lot
6 throughout 40 years or thereabouts, and have no tickets,
7 and no accidents, and have proven that I can -- am in
8 fact a very safe driver. This is a -- this is an
9 anomaly, or this is a situation isn't normal. And
10 consequently, I believe that justice doesn't deserve the
11 price that is attached.

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

17 MS. SHARPLES-BROOKS: Objection, your Honor.

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

22 DEFENDANT MR. OSTERBUR: I'm arguing
23 justice.

24 THE COURT: Well, you're still arguing

1 justice of the penalty. That is not -- it is the
2 function of the court to set the penalty, not the jury.
3 You don't address arguments in respect to that for the
4 jury.

5 DEFENDANT MR. OSTERBUR: Oh, all right.

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

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

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

12 DEFENDANT MR. OSTERBUR: I understand.
13 So the issue is that I'm looking for justice. So that's
14 all, it's a criminal designation to the trial. I'm
15 believing that that is excessive. I assume that's okay,
16 that the criminal --

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

18 DEFENDANT MR. OSTERBUR: I call it a
19 threat that's -- they call it a threat, you know, if
20 you call somebody a criminal, it is assumed to be a
21 threat to society. I'm not a threat to society, I've
22 never been a threat to society. I believe that there
23 should be recognition to what is or is not threatening
24 to society. And if it is not threatening behavior, if

1 you're not a risk to society, if it doesn't damage
2 anybody, and if it's clearly not a -- not a harm to
3 society, then -- then there is no -- there is no
4 particular cause for a penalty. Or, at least a penalty
5 -- well, I have to leave that alone. So I guess that
6 will be that.

7 THE COURT: Any rebuttal,
8 Ms. Sharples-Brooks?

9 MS. SHARPLES-BROOKS: No, your Honor.

10 THE COURT: Members of the jury, the
11 evidence and the arguments in this case have been
12 completed, and now I will instruct you as to the law.
13 The law that applies to this case is stated in these
14 instructions, and it is your duty to follow all of them.
15 You must not single out certain instructions, and
16 disregard others. It is your duty to determine the
17 facts, and to determine them only from the evidence in
18 this case. You are to apply the law to the facts, and in
19 this way decide the case. Neither -- you're not to
20 concern yourself with possible punishment or sentence
21 for the offense charged during your deliberation. It is
22 the function of the trial judge to determine the
23 sentence, should there be a verdict of guilty.

24 Neither sympathy nor prejudice should

1 influence you. From time to time it has been the duty of
2 the court to rule on the admissibility of evidence. You
3 should not concern yourselves with the reasons for these
4 rulings. You should disregard questions which were
5 withdrawn, or to which objections were sustained. Any
6 evidence that was received for a limited purpose should
7 not be considered by you for any other purpose.

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

14 Neither by these instructions, nor by any
15 ruling or remark which I have made, do I mean to
16 indicate any opinion as to the facts, or as to what your
17 verdict should be. Faithful performance by you of your
18 duties as jurors is vital to the administration of
19 justice.

20 Only you are the judges of the believability
21 of the witnesses, and of the weight to be given to the
22 testimony of each of them. In considering the testimony
23 of any witness, you may take into account his ability
24 and opportunity to observe; his age, his memory, his

1 manner while testifying; any interest, bias, or
2 prejudice he may have, and the reasonableness of his
3 testimony, considered in the light of all the evidence
4 in the case. You should judge the testimony of the
5 defendant in the same manner as you judge the testimony
6 of any other witness.

7 Opening statements are made by the attorneys
8 to acquaint you with the facts they expect to prove.
9 Closing arguments are made by the attorneys to discuss
10 the facts and the circumstances in the case, and should
11 be confined to the evidence, and to reasonable
12 inferences to be drawn from the evidence. Neither
13 opening statements nor closing arguments are evidence,
14 and any statement or argument made by the attorney which
15 is not based on the evidence should be disregarded.

16 Those of you who took notes during trial may
17 use your notes to refresh your memory during trial
18 deliberations. Each juror should rely on his or her
19 recollection of the evidence. Just because a juror has
20 taken notes does not necessarily mean that his or her
21 recollection of the evidence is any better or more
22 accurate than the recollection of a juror who did not
23 take notes.

24 When you're discharged from further service

1 in this case, your notes will be collected by the deputy
2 and destroyed. Throughout that process your notes will
3 remain confidential, and no one will be allowed to see
4 them. The defendant is charged with the offense of
5 disobeying a traffic control device. The defendant has
6 pleaded not guilty.

7 The charge against the defendant in this
8 case is contained in a document called the citation.
9 This document is the formal method of charging the
10 defendant and placing the defendant on trial. It is not
11 any evidence against the defendant.

12 The defendant is presumed to be innocent of
13 the charge against him. This presumption remains with
14 him throughout every stage of the trial and during your
15 deliberations on the verdict, and is not overcome
16 unless, from all the evidence in this case, you are
17 convinced beyond a reasonable doubt that he is guilty.

18 The State has the burden of proving the
19 guilt of the defendant beyond a reasonable doubt, and
20 this burden remains on the State throughout the case.
21 The defendant is not required to prove his innocence.
22 Circumstantial evidence is the proof of facts or
23 circumstances which give rise to a reasonable inference
24 of other facts which tend to show the guilt or innocence

1 of the defendant.

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

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

21 When you retire to the jury room, you'll
22 first elect one of your members as your foreperson. He
23 or she will preside during your deliberations on your
24 verdict. Your agreement on a verdict must be unanimous.

1 Your verdict must be in writing and signed by all of
2 you, including your foreperson. The defendant is charged
3 with the offense of failing to obey a traffic control
4 device. You will receive two forms of verdict. You
5 should -- you will be provided with both a not guilty
6 and guilty form of verdict.

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

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

16 Officer, if you can come over and be sworn.

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

19 THE COURT: Now at this time it's incumbent
20 upon me to discharge juror incumbent upon me to
21 discharge Juror 23, Mr. Rafferty.

22 (The alternate juror was discharged, and the
23 jury retired to deliberate at 2:31 p.m.)

24 THE COURT: All right. The jury is in

1 deliberations, and we'll just wait until we hear
2 something. From time to time jurors have had questions,
3 and so we may need to get you back here. And it doesn't
4 mean that if I call you in that we have a verdict, it
5 could be that there's a question that they want
6 answered. All right, you're free to go, we're in recess,
7 and awaiting the jury. Thank you.

8 (The following proceedings were conducted in
9 open court at 2:45 p.m. with regard to a jury question.)

10 THE COURT: All right. 11 TR 22442, People
11 vs. James F. Osterbur. Ms. Sharples-Brooks is in the
12 courtroom. Mr. Osterbur, the defendant, is present in
13 the courtroom. The jury gave the court officer -- and I
14 was right by her, and they did two forms of verdict and
15 said we thought this was a disobeying a traffic control
16 device case.

17 MS. SHARPLES-BROOKS: I apologize, your
18 Honor. Here are the ones --

19 THE COURT: Do you have any objections to my
20 -- well, the problem is, you're going to have to have
21 all of your other copies, because you have People's
22 Instruction Number 12, 13, are wrong forms, too.

23 MS. SHARPLES-BROOKS: Your Honor, I can
24 quickly write the numbers in on these ones, and then

1 we'll have a complete copy that is correct.

2 THE COURT: You have enough sets to do that?
3 Do you have any objection to our just calling them the
4 same numbers as the other ones were before, they of
5 course will be the correct ones?

6 MS. SHARPLES-BROOKS: No, your Honor.

7 DEFENDANT MR. OSTERBUR: I don't know.

8 THE COURT: No objection to that? Okay,
9 we'll do that, then. Mr. Osterbur, do you want to step
10 forward to look these over and make sure that these are
11 correct now?

12 DEFENDANT MR. OSTERBUR: They look correct.

13 THE COURT: All right, Officer, will you
14 take these to the jury and -- you might want to read
15 them through, but I think we have enough sets of eyes
16 that they're all right.

17 COURT SECURITY OFFICER: They're fine, your
18 Honor.

19 THE COURT: Then we're back in recess,
20 awaiting a jury decision.

21 (The following proceedings were conducted in
22 open court at the return of verdict at 2:53 p.m.)

23 THE COURT: Case 11 TR 22442, People vs.
24 James F. Osterbur. The People are present by Ms.

1 Sharples-Brooks. Mr. Osterbur is present pro se.

2 Please have the jury returned to the courtroom.

3 (The jury was returned into open court.)

4 THE COURT: Please be seated. The jury has
5 been returned to the courtroom. Ladies and gentlemen of
6 the jury, have you reached a verdict?

7 (The jurors answered in the affirmative.)

8 THE COURT: All right. If you could hand
9 the verdict form, Mr. Foreman, to the court officer.
10 The jury instructions and both verdict forms are in the
11 hands of the court. And the signed verdict form reads
12 as follows: "We, the jury, find the defendant, James
13 Osterbur, guilty of disobeying a traffic control
14 device."

15 (The court polled each juror as to the
16 verdict, and each and every juror affirmed the verdict
17 of guilty.)

18 THE COURT: All right. You are finished
19 with your jury service for the week. The officer will
20 take you back to the jury room if you need to go back
21 there for anything. You are discharged at this time.
22 Thank you for your time.

23 (The jury was discharged and left the
24 courtroom.)

1 THE COURT: You may be seated. Ms.
2 Sharples-Brooks, are you ready to proceed to the
3 sentencing phase?

4 MS. SHARPLES-BROOKS: Yes, your Honor.

5 THE COURT: Do you have any testimony or
6 other evidence you'd like to introduce in sentencing?

7 MS. SHARPLES-BROOKS: No, your Honor.

8 THE COURT: Mr. Osterbur, do you have any
9 evidence you would like to present on the sentencing
10 phase of this case?

11 DEFENDANT MR. OSTERBUR: No.

12 THE COURT: All right, Ms. Sharples-Brooks,
13 what's the State's recommendation for a disposition?

14 MS. SHARPLES-BROOKS: The State recommends a
15 fine of \$150.

16 THE COURT: I have a request for \$150 fine,
17 and implicit in that is court costs also, Mr. Osterbur.
18 What is your argument as whether I should or shouldn't
19 set the fine at that amount?

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

22 THE COURT: All right. The defendant, in
23 effect, asks the court to recollect the various
24 testimony and arguments that were adduced during today's

1 trial. I believe that the amount requested by the State
2 is probably lower than I would assess otherwise, given
3 the facts I heard about the commission of this offense.
4 But I will agree to the \$150 fine, and set the fine at
5 \$150 plus court costs, find the defendant guilty of
6 failing to disobey a traffic control device, enter
7 judgment on that and on the sentence.

8 Now let me say one thing that caused me to
9 go downward and agree to the State's position on this.
10 Mr. Osterbur, I know you have spent a lot of money for
11 copying and for services to obtain the binders here.
12 You have not treated the defense of this case lightly.
13 So in effect, what you're having to pay does not include
14 all of those things you voluntarily incurred out of your
15 own pocket. But the fine is \$150 plus court costs. How
16 much time do you need to pay that?

17 DEFENDANT MR. OSTERBUR: Just what are court
18 costs?

19 THE COURT: You have to check with the clerk
20 of the court. They set that. I don't do that here. My
21 guess is it'll be in the nature of -- in the area of
22 \$150, approximately.

23 DEFENDANT MR. OSTERBUR: I'll pay it today.

24 THE COURT: I'll give you 30 days to pay.

1 All right. Do you want to do a written order on this,
2 Ms. Sharples-Brooks, or just go with the oral order.

3 MS. SHARPLES-BROOKS: The State is happy
4 with an oral order, but if you like I can create a
5 written order.

6 THE COURT: It's up to you. We can do an
7 oral order.

8 MS. SHARPLES-BROOKS: Yes.

9 THE COURT: We'll show that the sentence
10 that the court does enter a finding of guilty based on
11 the jury verdict, fines the defendant \$150 plus court
12 costs. Defendant's granted 30 days in which to pay the
13 fine and court costs. The judgment's entered on the
14 finding of guilt and the sentence. No written order
15 necessary. All right. You may want to check with the
16 court clerk out there to see how much it all comes to.
17 They may take some time calculating it. I think one
18 like this they can do it fairly quickly, though. We're
19 in recess.

20 We're back on the record in the Osterbur
21 case, 11 TR 22442. You do have the right to take an
22 appeal, Mr. Osterbur. Before you can do that, however,
23 you must file a written motion with the Clerk of the
24 Court for consideration by the court. That written

1 motion must be filed within 30 days of today's date.
2 The -- In that motion you must ask the court to allow
3 you to -- well, to point out -- you include in the
4 motion all the grounds of error or claims of error and
5 issues that you believe were present in this case that
6 would cause the court to need to give you a new trial.

7 That motion must be in writing. You need to
8 ask that I vacate the judgment that was entered, and set
9 it for new trial. If I were to grant that motion I
10 would set it for a new trial, after vacating this
11 judgment. If you -- if I denied it, then you could take
12 your appeal.

13 Any issues or claims of error not stated in
14 that written motion would be considered to be waived.
15 And the other important thing to keep in mind is, you
16 must file that written motion within 30 days of today's
17 date. If you don't file it within 30 days of today's
18 date, you will lose your right to take an appeal
19 forever.

20 DEFENDANT MR. OSTERBUR: I have a quick
21 question.

22 THE COURT: Yes, sir.

23 DEFENDANT MR. OSTERBUR: If I simply pay the
24 fine today, can I appeal that judgment later?

1 THE COURT: You know, that's an interesting
2 question, but I think you can. I think you can. But if
3 you -- you might want to talk with an attorney about how
4 an appeal is done. They're really quite complicated,
5 and they can become quite expensive, even if you're
6 doing it yourself, because of the copies you have to
7 obtain to get the record prepared. But anyway, that's
8 not something I could really give you guidance on, nor
9 would I purport to. But it is not to be taken -- the
10 issue of an appeal, when you're pro se, is not to be
11 addressed lightly. Anything else then today, Ms.
12 Sharples-Brooks?

13 MS. SHARPLES-BROOKS: No, your Honor.

14 THE COURT: Mr. Osterbur?

15 DEFENDANT MR. OSTERBUR: I may wait a little
16 while before I pay the fee, up to 30 days, to decide
17 whether or not to appeal.

18 THE COURT: You have the 30 days from
19 today's date, so you don't have to do any decision on it
20 today.

21 DEFENDANT MR. OSTERBUR: All right.

22 THE COURT: All right.

23 DEFENDANT MR. OSTERBUR: Thank you.

24 THE COURT: Now I believe I correctly state

1 that if you don't pay -- you don't automatically get the
2 fine and costs stayed if you don't file a motion to stay
3 the judgment on this, as far as the fine and costs. So
4 if you pay it, you certainly can file your notice of
5 appeal, you don't have to worry any more about it. But
6 if you don't pay it --

7 DEFENDANT MR. OSTERBUR: Well, I will pay it
8 within 30 days.

9 THE COURT: -- then you could run a risk of
10 them being able to have them try and collect that from
11 you, even though it's on appeal. All right, we're in
12 recess.

13 END OF PROCEEDINGS.

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1 STATE OF ILLINOIS)

2) Ss

3 CHAMPAIGN COUNTY)

4 OFFICIAL COURT REPORTER'S CERTIFICATE

5

6 I, Nancy Sivertsen, CSR, Official Court Reporter in
7 and for the Sixth Judicial Circuit of Illinois, and the
8 official court reporter who transcribed this proceeding
9 using an electronic recording device, do hereby certify
10 that the foregoing Transcript of Proceedings is a
11 correct transcript of all the proceedings ascertainable
12 on the electronic record of proceedings had in the
13 aforesaid cause on the aforesaid date as herein
14 contained.

15 Dated this day of , 2012.

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Official Court Reporter's Certificate

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NANCY E. SIVERTSEN, CSR-RDR
Official Court Reporter, Sixth Judicial Circuit
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Date 05/15/12

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) People vs. James))
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) 11 CF 22442))
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