

**BEFORE THE ILLINOIS TORTURE INQUIRY AND RELIEF COMMISSION**

FILED  
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In re:

Claim of Sherman Morissette

TIRC No. 2011.008-M

**SUMMARY DISMISSAL**

Pursuant to section 40(a) of the Illinois Torture Inquiry and Relief Act (TIRC Act, 775 ILCS 40/40(a)), the Commission hereby summarily dismisses this Claim for the reasons that follow.

1. On approximately May 8, 2011, Mr. Sherman Morissette submitted a claim form to the Commission alleging that on December 27, 1983,<sup>1</sup> he was beaten by Area 2 detectives James Vellegas and Luis Velez. He also claimed he was threatened by Detectives Michael McDermott and Anthony Maslanka with more beatings unless he performed certain actions in a police lineup, such as wearing a trench coat, pulling the trench coat over his face and making statements such as “this is a stickup.”
2. Section 5(1) of the TIRC Act defines “Claim of torture” as a claim by a convicted person “asserting that he was tortured into confessing to the crime for which the person was convicted and the tortured confession was used to obtain the conviction...”
3. The United States Supreme Court has held “that compelling a defendant to participate in a line-up and to speak the words purportedly uttered by the criminal [do] not violate the defendant’s Fifth Amendment privilege against self-incrimination.” *People v. Young*, 2011 IL App (1st) 1090738-U, ¶33 (citing *Wade v. United States*, 388 U.S. 218, 222-23 (1967)).
4. On October 21, 2011, Commission staff wrote to Mr. Morissette to ask if Mr. Morissette had made any type of statement to the police which was introduced against him at trial.
5. On approximately November 1, 2011, Mr. Morissette responded that “No ... my case is not based upon me making a confession.”
6. On April 3, 2012, the Commission, a quasi-judicial body, met in executive session to consider Mr. Morissette’s case and reached a consensus that the described acts of Mr. Morissette did not constitute a confession and that the claim should be dismissed for lack of jurisdiction.

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<sup>1</sup> Jon Burge was a supervisor at Area 2 at this time.

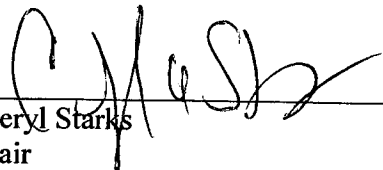
7. The Commission inadvertently failed to take a formal vote in open session on that consensus.<sup>2</sup>

Therefore, the Commission finds that the actions described by Mr. Morissette in his claim form do not indicate he made a confession that was used to convict him as required by Section 5(1) of the TIRC Act, and that the Commission is therefore without jurisdiction to consider his claim.

The Commission summarily dismisses Mr. Morissette's Claim and instructs its Executive Director to notify Mr. Morissette of the dismissal and his right to judicial review under the Illinois Administrative Review Law.

Dated: \_\_\_\_\_

6/18/14

  
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Cheryl Starks  
Chair  
Illinois Torture Inquiry and Relief Commission

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<sup>2</sup> The Illinois Open Meetings Act (5 ILCS 120/1 *et seq.*) has been interpreted as requiring that final action be taken by vote in open session. A closed-session, quasi-judicial deliberation that is not followed by a public vote may not constitute a valid administrative decision. *See Howe v. Retirement Board*, 2013 IL App. (1<sup>st</sup>) 122446 ¶¶26-35.