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14 JUN 23 11:30

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

In re:

Claim of James Sardin

TIRC No. 2011.247-S

**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 June 22, 2011, Mr. James Sardin submitted a claim form to the Commission alleging that a witness in his case, Ms. Melinda Graham, was interrogated on approximately October 29, 1991 for two days by Area 2 Detective Michael McDermott<sup>1</sup> and others who deprived her of sleep and threatened her with both incarceration and with losing custody of her unborn child.
2. Mr. Sardin's claim states that Ms. Graham's testimony was an important factor in his conviction and supplies affidavits in which Ms. Graham swears that the statement she gave to police were untrue and elicited as the result of coercion.
3. 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..." [Emphasis added.]
4. On July 6, 2011 Commission staff communicated to Mr. Sardin that his claim apparently did not meet the definition of "claim of torture" since he was not tortured into confessing to the crime of which he was accused.

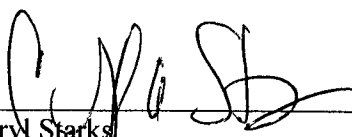
The Commission finds that the abusive conduct alleged in Mr. Sardin's claim was inflicted not upon him but rather upon a witness. Accordingly, his claim does not meet the definition of "claim of torture" in Section 5(1) of the TIRC Act. The Commission is thus without jurisdiction to consider his claim.

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<sup>1</sup> McDermott had previously worked under Commander Jon Burge.

The Commission summarily dismisses Mr. Sardin's claim and instructs its Executive Director to notify Mr. Sardin 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