

BEFORE THE ILLINOIS TORTURE INQUIRY AND RELIEF COMMISSION

In re:

Claim of Robert Villagomez

TIRC No. 2014.239-V

SUMMARY DISMISSAL

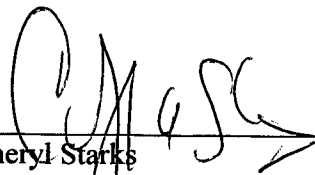
Pursuant to section 40(a) of the Illinois Torture Inquiry and Relief Act (TIRC Act), 775 ILCS 40/40(a), the Commission hereby summarily dismisses this Claim for the reasons that follow.

1. On approximately December 30, 2013, Mr. Robert Villagomez submitted a claim form to the Commission alleging that on an unspecified date in 1986 he was chained to a wall, choked, and threatened by Detective Michael Kill at the Area 3 police station in a failed attempt to coerce a confession from Mr. Villagomez. The claim form states the criminal case connected to Mr. Villagomez' arrest and interrogation was dismissed.
2. Section 5(1) of the TIRC Act defines "[c]laim 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. In a letter dated April 10, 2014, Commission staff informed Mr. Villagomez that since he did not claim that he confessed and he was not convicted, the Commission likely had no jurisdiction to investigate his claims. Commission staff invited Mr. Villagomez to submit further information if he believed his allegations were being misunderstood.

The Commission finds that Mr. Villagomez' claim does not allege that he was tortured into confessing to a crime of which he was then convicted. Accordingly, his claim does not meet the definition of "[c]laim of torture" in Section 5(1) of the TIRC Act. The Commission is thus without jurisdiction to investigate his claims. The Commission summarily dismisses Mr. Villagomez' claim and instructs its Executive Director to notify Mr. Villagomez of the dismissal and his right to judicial review under the Illinois Administrative Review Law.

Dated: _____

6/18/14


Cheryl Starks
Chairman

Illinois Torture Inquiry and Relief Commission

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