

BEFORE THE ILLINOIS TORTURE INQUIRY AND RELIEF COMMISSION

In re:

Claim of David Turner

TIRC No. 2012.258-T

SUMMARY DISMISSAL

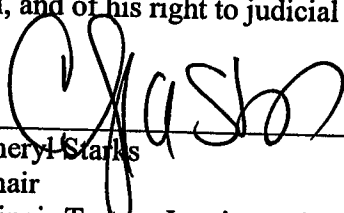
Pursuant to section 40(a) of the Illinois Torture Inquiry and Relief Act (TIRC Act, 775 ILCS 40/40(a)), the Commission hereby summarily dismisses this Claim for the reasons that follow.

1. On or about October 12, 2011, David Turner signed a Claim Form stating that Gerald Reed had been beaten by Chicago detectives and had incriminated Turner, leading to David Turner's conviction.
2. On or about January 26, 2012, counsel for Turner wrote the Commission asking that the Claim Form be filed as a claim on behalf of Turner.
3. Commission staff spoke with Turner's attorney, who confirmed that Turner had not been tortured and that he had not confessed to the crime of which he was convicted.
4. 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"
5. On January 31, 2012, Commission staff wrote to Turner and his counsel explaining that the Claim could not be filed on behalf of Turner due to a lack of jurisdiction.
6. The Commission's rules require that if a Claim Form is completed but does not state a "Claim of torture," the "Director shall recommend in a written report to the Commission that the claim be denied for the reasons specified in the report," and the Commission should vote on the recommendation. 2 Ill. Adm. Code §3500.340(c), (f).
7. This matter has not been previously presented to the Commission for a vote.

Therefore, the Commission finds that the allegation of torture referred to by Turner in his claim did not result in his confession to the crime of which he was accused. 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.

The Commission summarily dismisses Turner's claim and instructs its Executive Director to notify Turner (and his counsel) of the dismissal, and of his right to judicial review under the Illinois Administrative Review Law.

Dated: May 20, 2015


Cheryl Starks
Chair

Illinois Torture Inquiry and Relief Commission

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DORIS M. GROWN
CLERK OF THE CIRCUIT COURT
JANILLE DEPARTMENT