

BEFORE THE ILLINOIS TORTURE INQUIRY AND RELIEF COMMISSION

In re:
Claim of Michael Johnson

TIRC No.: 2017.527-J
(Relates to *People v. Patton*,
Circuit Court No. 99-CR-13459)

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 December 1, 2016 the Commission received a claim form from Mr. Michael Johnson. In his claim form, Mr. Johnson stated that he was “punched, choked, and threatened into confessing that Bernard Patton” had committed a crime.¹ Mr. Johnson’s claim form indicated Mr. Johnson’s statement was used to convict Bernard Patton; not Mr. Johnson.²
2. On January 3, 2017, Commission Staff sent Mr. Johnson a letter requesting further clarification as to whether Mr. Johnson was tortured into making a statement which led to Mr. Johnson’s own conviction.³
3. On February 2, 2017, TIRC received a response dated January 28, 2017, indicating Mr. Patton had been convicted and Mr. Johnson had been tortured. He did not specify whether he personally had also been convicted.⁴
4. On July 7, 2017, Commission Staff sent Mr. Johnson an additional letter again asking whether Mr. Johnson had also been convicted as a result of his statement.⁵ No response was received.
5. On July 19, 2017, Mr. Bernard Patton’s claim was summarily dismissed by the Commission. During the Commission’s deliberation, Ms. Joan Johnson, Michael Johnson’s mother, appeared before the Commission and confirmed that Mr. Johnson was neither charged nor convicted of the crime involving Bernard Patton.⁶
6. On August 11, 2017, TIRC Staff Attorney Michelle Jenkins sent Mr. Johnson a letter that summarized Mr. Johnson’s claims and informed Mr. Johnson that his allegations, as described, likely did not qualify as a claim of torture under the TIRC Act. The letter stated that Ms. Jenkins would recommend that the Commission summarily dismiss Mr.

¹ See Michael Johnson’s Claim Form.

² *Id.*

³ See January 3, 2017, TIRC Letter to Johnson.

⁴ See January 28, 2017 response from Johnson.

⁵ See July 7, 2017 TIRC Letter to Johnson.

⁶ Hear Audio recording of July 19, 2017 TIRC Meeting (on file with TIRC).

2017 OCT 11 9:11 AM
STATE CRIMINAL DEPARTMENT
JUDICIAL BRANCH
CIRCUIT COURT

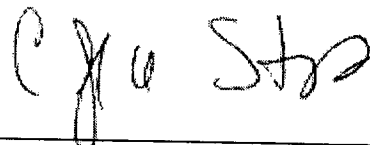
Johnson's claim at its September 20, 2017, meeting. The letter asked Mr. Johnson to inform Ms. Jenkins in writing if she had misunderstood Mr. Johnson's claim.⁷ This letter was delivered to Mr. Johnson's household via certified mail on August 15, 2017.⁸

7. Section 5(1) of the TIRC Act states that "'Claim of torture' means a claim on behalf of a living person convicted of a felony in Illinois 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* and for which there is some credible evidence related to allegations of torture occurring within a county of more than 3,000,000 inhabitants."⁹
8. Section 40(a) of the TIRC Act provides that the "Commission may informally screen and dismiss a case summarily at its discretion."

The Commission finds that Mr. Johnson's claim does not meet the definition of "claim of torture" under the TIRC Act because Mr. Johnson was not personally convicted of a crime subsequent to a tortured statement or confession.

The Commission summarily dismisses Mr. Johnson's claim and instructs the Staff Attorney to notify Mr. Johnson of the dismissal and his right to judicial review under the Illinois Administrative Review Law.

Dated: September 20, 2017



Cheryl Starks, Chair
Illinois Torture Inquiry and Relief Commission

⁷ See Letter from Michelle Jenkins to Michael Johnson, dated August 11, 2017.

⁸ See Certified Mail Receipt postmarked August 11, 2017.; see also USPS Tracking printout indicating delivery on August 15, 2017.

⁹ 775 ILCS 40/5(1) (2016) (emphasis added).