

BEFORE THE ILLINOIS TORTURE INQUIRY AND RELIEF COMMISSION

In re:
Claim of Ninos Gorgis

TIRC No.: 2017.514-G
(Relates to 99-CR-11761)

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 May 23, 2017, the Commission received a claim form from Mr. Ninos Gorgis.¹ In the form, Mr. Gorgis alleged that Assistant State’s Attorney Marybeth Kinnerk lied to him during his interrogation by stating that he would be charged with involuntary manslaughter instead of first degree murder.²
2. In his claim form, Mr. Gorgis acknowledged that his “allegation can only in degree be considered ‘torture.’”³ However, Mr. Gorgis asserts that “[n]onetheless, the ASA’s actions were what led to a signed statement and ultimately the only evidence with which I was convicted.”⁴
3. On May 24, 2017, Executive Director Rob Olmstead sent Mr. Gorgis a letter that summarized Mr. Gorgis’ claims and informed Mr. Gorgis that his allegations likely did not qualify as a claim of torture. The letter stated that Mr. Olmstead would recommend that the Commission summarily dismiss Mr. Gorgis’ claim. The letter asked Mr. Gorgis to inform Mr. Olmstead in writing if he had misunderstood Mr. Gorgis’ claim or if there was additional conduct that Mr. Gorgis alleged constituted torture.⁵ This letter was delivered to Menard Correctional Center on June 1, 2017.⁶
4. The Commission has not received additional correspondence from Mr. Gorgis.
5. 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.”⁷

¹ The IDOC database lists Mr. Gorgis’ first name as “Ninas.” See IDOC Internet Inmate Status form.

² See Ninos Gorgis Claim Form.

³ *Id.*

⁴ *Id.*

⁵ See Letter from Rob Olmstead to Ninos Gorgis, dated May 24, 2017.

⁶ See USPS Return Receipt, dated June 1, 2017.

⁷ 775 ILCS 40/5(1) (2016).

775 ILCS 40/5(1) (2016)
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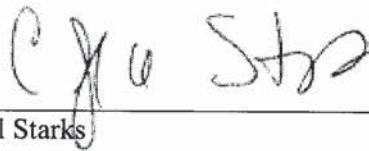
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6. The Commission's regulations define torture as "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for the purpose of obtaining from that person a confession to a crime."⁸
7. Section 40(a) of the TIRC Act provides that the "Commission may informally screen and dismiss a case summarily at its discretion."

The Commission finds that Mr. Gorgis' claim does not meet the definition of "claim of torture" under the TIRC Act and its implementing regulations because Mr. Gorgis was not subjected to an act that caused severe physical or mental suffering.

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

Dated: July 19, 2017



Cheryl Starks
Chair
Illinois Torture Inquiry and Relief Commission

⁸ Ill. Admin. Code tit. 20, § 2000.10 (2017).