

BEFORE THE ILLINOIS TORTURE INQUIRY AND RELIEF COMMISSION

In re:
Claim of Lawrence Rhoden

TIRC No.: 2017.493-R
(Relates to 92-CR-1527)

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 March 10, 2017, Lawrence Rhoden filed an incomplete and unsigned claim form with the Commission. In it, Mr. Rhoden asserted that Assistant State’s Attorney Joel Whitehouse and Chicago Police Detective Devon Anderson “lied to me so I would make a statement.”¹
2. On March 21, 2017, Commission Staff Attorney Michelle Jenkins sent a letter to Mr. Rhoden that asked: (1) whether Mr. Rhoden made any statements to police as a result of his alleged torture; and (2) whether any statement Mr. Rhoden did make was used in evidence against him.²
3. On April 10, 2017, Mr. Rhoden responded by letter to Ms. Jenkins’ questions. Mr. Rhoden stated that he gave a statement to Assistant State’s Attorney Whitehouse, and that Detective Anderson testified to that statement at Mr. Rhoden’s trial. Mr. Rhoden’s letter also stated: “I was physiology [sic] coerced by the [Assistant] State’s Attorney Joel Whitehouse and Detective Devon Anderson . . . they lead [sic] me to believe that the state’s key witness . . . told them I killed [the victim].”³ Mr. Rhoden claimed that “I only made the statement” because of Whitehouse and Anderson’s lies.⁴ Mr. Rhoden further stated that “I understand that there is no physical abuse or torture.”⁵ Mr. Rhoden’s letter was signed.
4. On May 30, 2017, Executive Director Rob Olmstead sent Mr. Rhoden a letter that summarized Mr. Rhoden’s claims and informed him 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. Rhoden’s claim. The letter asked Mr. Rhoden to inform Mr. Olmstead in writing if he had misunderstood Mr. Rhoden’s claim or there was

¹ See Lawrence Rhoden Claim Form.

² See Letter from Michelle Jenkins to Lawrence Rhoden, dated March 21, 2017.

³ See Letter from Lawrence Rhoden to Michelle Jenkins, dated April 10, 2017.

⁴ *Id.*

⁵ *Id.*

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additional conduct that Mr. Rhoden alleged constituted torture.⁶ The letter was delivered to Menard Correctional Center on June 2, 2017.⁷

5. The Commission has not received additional correspondence from Mr. Rhoden.
6. 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.”⁸
7. 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.”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. Rhoden’s claim does not meet the definition of “claim of torture” under the TIRC Act and its implementing regulations because Mr. Rhoden was not subjected to an act that caused severe physical or mental suffering.

The Commission summarily dismisses Mr. Rhoden’s claim and instructs the Executive Director to notify Mr. Rhoden 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

⁶ See Letter from Rob Olmstead to Lawrence Rhoden, dated May 30, 2017.

⁷ See USPS Printout Showing Receipt.

⁸ 775 ILCS 40/5(1) (2016).

⁹ Ill. Admin. Code tit. 20, § 2000.10 (2017).