

BEFORE THE ILLINOIS TORTURE INQUIRY AND RELIEF COMMISSION

In re:
Claim of Cedryck Davis

FILED

JUL 19 2018

**DOROTHY BROWN
CLERK OF CIRCUIT COURT**

TIRC No.: 2018.568-D
(Relates to *People v. Davis*,
Circuit Court No. 14-CR-07329-02)

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

1. Cedryck Davis was convicted in Cook County of two counts of attempted murder; Davis was ultimately sentenced to 59 years of incarceration.¹
2. On January 24, 2018, Mr. Davis submitted a claim form to the Commission. Therein, Mr. Davis claimed that Charles Molett was brutally punched in his face and stomach and threatened by police, resulting in a statement by Molett in Mr. Davis' case. Although Mr. Davis checked "yes" to a question asking if the state had claimed Mr. Davis made incriminating statements to police, he wrote in "Not me but Charles Molette." He also indicated Mr. Molett's tortured statements were used against Mr. Davis at trial.
3. On February 2, 2018, TIRC staff sent a letter to Mr. Davis asking him to clarify whether he had personally been tortured and whether the state had claimed at Mr. Davis' trial that Mr. Davis made any incriminating statements against himself.
4. In a letter dated March 8, 2018, Mr. Davis confirmed he was not tortured by officers and did not make any statements to officers (or alleged statements) that were used to convict him. "Me[,] Cedryck Davis[,] never made any statement that lead to my conviction at all[,] [N]one. No, the prosecution never made any claim at trial that I[,] Cedryck Davis[,] Case No. 14-CR-07329[,] made statements to detective or to prosecutors about the crime of my conviction or any crime for that matter." Mr. Davis did, however, reiterate his allegation that Charles Molett made tortured statements that were used to incriminate Mr. Davis.
5. On June 22, 2018, Commission staff wrote and informed Davis that it would recommend dismissal of his claim due to the lack of any tortured statement by Davis being used to convict him. It encouraged Mr. Davis to write if Commission staff had misunderstood his allegations.

¹ *People v. Davis*, 14-CR-07329

ANALYSIS

The Commission is empowered to “conduct inquiries into claims of torture.” 775 ILCS 40/35. Section 40/5(1) of the TIRC Act defines “Claim of torture” as

“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 * * *. “ 775 ILCS 40/5(1)
(Emphasis added.)

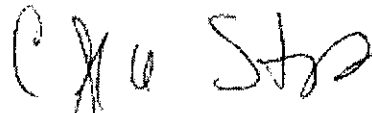
Section 40(a) of the TIRC Act provides that the “Commission may informally screen and dismiss a case summarily at its discretion.”

The circumstances characterized by Mr. Davis feature the mistreatment and/or torture of a witness in Mr. Davis’ case. While the Commission does not condone torture, police misconduct, or prosecutorial misconduct of any kind; its jurisdiction is limited in scope. The TIRC Act clearly identifies the boundaries of the Commission’s jurisdiction; tortured statements of witnesses are not within the reach of the Commission.

CONCLUSION

Because Mr. Davis does not allege that any tortured confession by him was used to obtain his conviction, the Commission is without jurisdiction to investigate his claim, and summarily dismisses it. The Commission instructs its executive director to notify Mr. Davis of the decision and of his right of review under the Illinois Administrative Review Law. This determination shall be considered a final decision of an administrative agency for purposes of administrative review under the Administrative Review Law (735 ILCS 5/3-101).²

Date: July 18, 2018



Chair Cheryl Starks

² See 775 ILCS 40/55(a) of the TIRC Act.

Although this determination does not concern a “contested case” as defined in Section 1-30 of the Illinois Administrative Procedures Act (5 ILCS 100/1-30) because no opportunity for a hearing is required (*See* 775 ILCS 40/45(a)), the Commission notes that the rules of the Commission do not require any motion or request for reconsideration before appeal under the Administrative Review Law, and notes that the service address of interested parties is listed in the Notice of Filing certificate that accompanies the filing of this determination with the Court.