

BEFORE THE ILLINOIS TORTURE INQUIRY AND RELIEF COMMISSION

In re:
Claim of Gracie Marie Bennett

TIRC No.: 2018.586-B
(Relates to Vermillion County
Court No. 18-CF-16)

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 August 17, 2018, Gracie Marie Bennett filed a claim form with the Commission alleging torture.¹
2. Although Ms. Bennett’s allegations of torture are unclear², her claim form and her Illinois Department of Corrections online profile indicate that the criminal conviction in which she is alleging torture (18-CF-16) was adjudicated in Vermillion County.³

ANALYSIS

The Illinois Torture Inquiry and Relief Act empowers the Commission to investigate Claims of Torture, which the Act defines 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 and for which there is some credible evidence related to allegations of *torture occurring within a county of more than 3,000,000 inhabitants*. 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 Commission has previously interpreted Section 5(1)’s language about “torture occurring within a county of more than 3,000,000 inhabitants” as divesting the Commission of jurisdiction over felony convictions occurring anywhere but in the Cook County Courts.⁴

Accordingly, because Ms. Bennett was convicted in Vermillion County, the Commission is without jurisdiction to consider her claim.

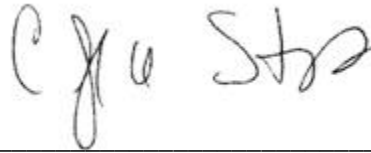
¹ See Gracie Marie Bennett Claim Form.

² See Letters from Bennett sent with claim form.

³ See Illinois Department of Corrections Internet Inmate Status printout.

⁴ See *In re: Claim of Ernest Hubbard*, TIRC No. 2014.242-H, decided September 21, 2016, at 7; available at <https://www2.illinois.gov/sites/tirc/Documents/Ernest%20Hubbard%20SUMMARY%20DISMISSAL%20ORDER--FINAL%2c%20SIGNED.pdf>.

The Commission summarily dismisses Ms. Bennett's claim and instructs the Executive Director to notify Ms. Bennett of the dismissal and her right to judicial review under the Illinois Administrative Review Law. This determination shall be considered the final decision of an administrative agency for purposes of administrative review under the Administrative Review Law (735 ILCS 4/3-101).⁵



Dated: September 11, 2018

Cheryl Starks, Chair
Illinois Torture Inquiry and Relief Commission

⁵ 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 under the TIRC Act (*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.