

## BEFORE THE ILLINOIS TORTURE INQUIRY AND RELIEF COMMISSION

In re:  
Claim of Donald Nobles

TIRC No. 2019.612-N  
(Relates to Macon County Circuit  
Court Case Nos. 78-CF-154; 78-CF-155)

### 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. Claimant, Donald Nobles, was convicted of the 1978 murders of Rosalyn Nesbitt and Clyde Davis.<sup>1</sup>
2. On or about February 16, 2018, Mr. Nobles sent a letter to Commission staff in which he stated he wished to file a complaint of police brutality he experienced while he was a detainee in Decatur, Illinois.<sup>2</sup>
3. On March 6, 2018, Commission staff responded to Mr. Nobles and informed him that the Commission likely lacked jurisdiction over his claims based on the information he provided and because research showed he was convicted of a felony in the courts of Macon County. Commission staff further requested that Mr. Nobles write to them again if his allegations were misunderstood or if he nonetheless wished to submit a claim.<sup>3</sup>
4. On or about March 20, 2018, and on or about April 30, 2018, Mr. Nobles repeated his request for a claim form. He did not provide any further information related to the alleged torture.<sup>4</sup>
5. On or about February 13, 2019, Mr. Nobles filed a claim form with the Commission alleging that he was questioned and tortured on and around April 4-5, 1978, by six police officers from the Decatur City Police Department at the Decatur City Jail. He also stated that his felony conviction occurred in the Circuit Court of Macon County.<sup>5</sup>
6. On April 25, 2019, Commission staff wrote to Mr. Nobles to inform him that the circumstances of his claim likely fell outside the Commission’s jurisdiction because,

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<sup>1</sup> See, *People v. Nobles*, 404 N.E.2d 330 (Ill. App. Ct. 1980).

<sup>2</sup> See February 16, 2018, Letter from Donald Nobles to Rob Olmstead, Executive Director of the Illinois Torture Inquiry and Relief Commission.

<sup>3</sup> See March 6, 2018, Letter from Rob Olmstead to Donald Nobles.

<sup>4</sup> See March 20, 2018, Letter from Donald Nobles to Rob Olmstead; and April 30, 2018, Letter from Donald Nobles to Rob Olmstead.

<sup>5</sup> See TIRC Claim Form of Donald Nobles.

although he alleged that he was tortured, the materials he provided made clear that the alleged torture and his felony conviction occurred in Macon County. Commission staff informed Mr. Nobles they intended to recommend to the Commission that his claim be dismissed, and encouraged Mr. Nobles to provide further details if his claim had been misunderstood.<sup>6</sup>

7. Decatur is located within Macon County, a county with 110,768 inhabitants.<sup>7</sup> Cook County is the only county in Illinois with more than 3,000,000 inhabitants.<sup>8</sup>

## 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.”

While the Commission does not condone police misconduct of any kind, the Commission has previously determined that it lacks jurisdiction to investigate allegations of torture where the defendant was convicted of a felony in a Circuit Court of a county having fewer than 3,000,000 inhabitants.<sup>9</sup>

Mr. Nobles’ own claim form and other communications demonstrate that any alleged torture occurred within Macon County. Furthermore, Mr. Nobles’ felony conviction occurred in the Circuit Court of Macon County.<sup>10</sup> As Macon County has fewer than 3,000,000 inhabitants, the Commission lacks jurisdiction to investigate Mr. Nobles’ claim.

The Commission summarily dismisses Mr. Nobles’ claim and instructs the Executive Director to notify Mr. Nobles of the dismissal and his right to judicial review under the Illinois Administrative Review Law. This determination shall be considered the final decision of an

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<sup>6</sup> See April 25, 2019, Letter from Rob Olmstead to Donald Nobles.

<sup>7</sup> U.S. CENSUS BUREAU, ILLINOIS POPULATION HOUSING UNITS, AREA, AND DENSITY: 2010 – STATE – COUNTY/COUNTY EQUIVALENT 2010 CENSUS SUMMARY FILE, 2 (AUG. 5, 2019).

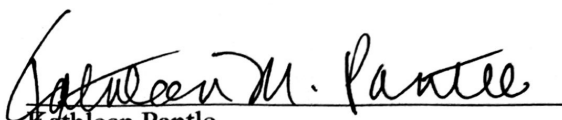
<sup>8</sup> *Id.* at 1.

<sup>9</sup> See *In re Claim of Ernest Hubbard*, TIRC No. 2014.242-H, available at <https://www2.illinois.gov/sites/tirc/Documents/Ernest%20Hubbard%20SUMMARY%20DISMISSAL%20ORDER-FINAL%2c%20SIGNED.pdf>.

<sup>10</sup> *Nobles*, 404 N.E.2d, at 332.

administrative agency for purposes of administrative review under the Administrative Review Law (735 ILCS 4/3-101).<sup>11</sup>

Dated: August 21, 2019



Kathleen Pantle  
Acting Chair  
Illinois Torture Inquiry and Relief Commission

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<sup>11</sup> 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.