

BEFORE THE ILLINOIS TORTURE INQUIRY AND RELIEF COMMISSION

In re:  
Claim of Robert K. Jones

TIRC No. 2019.640-J  
(Relates to Jo Daviess County  
Circuit Court Case No. 99-CF-62)

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, Robert K. Jones, pled guilty to the 1999 murders of Darin Oellerich and Rhonda Wurm.<sup>1</sup>
2. On or about May 6, 2019, Mr. Jones sent a letter to the Commission claiming that he was tortured into making a confession by an FBI agent on June 22, 1999.<sup>2</sup> He further stated that the torture occurred in the Jo Daviess County police station.<sup>3</sup>
3. On July 10, 2019, Commission staff sent Mr. Jones a TIRC Claim Form.<sup>4</sup> Mr. Jones returned his claim form on or about July 31, 2019. He alleged that he was physically and mentally tortured by Jo Daviess County Sheriff's deputies and an agent with the FBI into making a statement that was used against him at trial. He further stated his conviction occurred in the circuit courts of Jo Daviess County.<sup>5</sup>
4. On August 9, 2019, Commission staff sent Mr. Jones a letter informing 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 Jo Daviess County. Commission staff further requested that Mr. Jones write to them if they had misunderstood his claim.<sup>6</sup>

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<sup>1</sup> See, *People v. Jones*, No. 2-09-0859, 2011 WL 10104289, at \*1 (Ill. App. Ct. May 23, 2011).

<sup>2</sup> May 6, 2019, Letter from Robert K. Jones to the Illinois Torture Inquiry and Relief Commission.

<sup>3</sup> *Id.*

<sup>4</sup> July 10, 2019 Letter from Rob Olmstead, Executive Director of the Illinois Torture Inquiry and Relief Commission, to Robert K. Jones.

<sup>5</sup> TIRC Claim form of Robert K. Jones.

<sup>6</sup> August 9, 2019, Letter from Rob Olmstead to Robert KI. Jones.

5. On or about August 21, 2019, Mr. Jones wrote to Commission Staff arguing that the jurisdictional limitation of the TIRC Act was unconstitutional and that the Commission should exercise discretion to accept his claim. He did not provide any further information related to the alleged torture.<sup>7</sup>
6. Jo Daviess County has 22,678 inhabitants.<sup>8</sup> Cook County is the only county in Illinois with more than 3,000,000 inhabitants.<sup>9</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>10</sup>

Mr. Jones’ alleged torture and felony conviction occurred in the Circuit Court of Jo Daviess County.<sup>11</sup> As Jo Daviess County has fewer than 3,000,000 inhabitants, the Commission lacks jurisdiction to investigate Mr. Jones’ claim.

The Commission summarily dismisses Mr. Jones’ claim and instructs the Executive Director to notify Mr. Jones of the dismissal and his right to judicial review under the Illinois

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<sup>7</sup> August 21, 2019, Letter from Robert K. Jones to Rob Olmstead.

<sup>8</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).

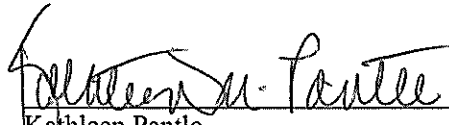
<sup>9</sup> *Id.* at 1.

<sup>10</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>11</sup> *Jones*, 2011 WL 10104289, at \*1; TIRC Claim Form of Robert K. Jones.

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).<sup>12</sup>

Dated: October 16, 2019

  
Kathleen Pantle  
Acting Chair  
Illinois Torture Inquiry and Relief Commission

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<sup>12</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.