

BEFORE THE ILLINOIS TORTURE INQUIRY AND RELIEF COMMISSION

In re:
Claim of William J. Richter

TIRC No. 2019.663-R
(Relates to Macon County
Circuit Court Case No. 08-CF-1474)

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, William J. Richter, was convicted of the August 2008 murder of Dawn Marquis.¹
2. On or about August 7, 2016, Mr. Richter sent a letter to the Commission alleging that he was tortured in Macon County and that torture was used to elicit false statements in his criminal case.²
3. On October 19, 2016, Commission staff sent Mr. Richter a letter informing him that the Commission likely lacked jurisdiction over his claim as his Illinois Department of Corrections prisoner profile and the information he provided in his letter demonstrated that his conviction occurred in the Macon County Circuit Court. Commission staff further requested Mr. Richter write to them if they had misunderstood his claim and he wished to complete and submit a TIRC claim form nonetheless.³
4. Mr. Richter sent further letters to the Commission in January 2017 and April 2019 alleging that he was tortured in Macon County. He further claimed that torture was common in Macon County and that it should be investigated.⁴ He did not allege that he was tortured in Cook County or that he was convicted of any crime in Cook County, and apparently recognized that his claim fell outside the Commission’s jurisdiction.
5. Mr. Richter was provided a blank TIRC Claim Form in August 2019.⁵ On August 8, 2019, Mr. Richter wrote to Commission staff stating that he did not have sufficient time to obtain copies of the documents to support his claim. He, however, continued to claim that he was

¹ *People v. Richter*, 977 N.E.2d 1257, 1258-59, 1269 (Ill. App. Ct. 2012).

² August 7, 2016, Letter from William J. Richter to the Illinois Torture Inquiry and Relief Commission.

³ October 19, 2016, Letter from Rob Olmstead, Executive Director of the Illinois Torture Inquiry and Relief Commission to William J. Richter.

⁴ January 20, 2019, Letter from William J. Richter to former-Chair, The Honorable Cheryl Starks; April 18, 2019, Letter from William J. Richter to the Illinois Torture Inquiry and Relief Commission.

⁵ July 31, 2019, Letter from Rob Olmstead to William J. Richter.

the victim of torture in Macon County. He also inquired as to whether the Commission was now accepting claims from outside Cook County, Illinois.⁶

6. Based on the totality of his communications, the Commission determined that Mr. Richter was attempting to submit a claim for investigation in which he alleged that he was tortured into making a statement that was used to convict him in the Circuit Courts of Macon County.⁷
7. On August 16, 2019, Commission staff wrote to Mr. Richter informing him that the Commission did not have jurisdiction over claims arising outside of Cook County and that accordingly, Commission staff would recommend that his claim be dismissed at the Commission meeting on October 16, 2019.⁸ On September 10, 2019, Mr. Richter responded in writing, but still acknowledged being convicted in Macon County.⁹
8. Macon County has 110,768 inhabitants.¹⁰ Cook County is the only county in Illinois with more than 3,000,000 inhabitants.¹¹

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

⁶ August 8, 2019, Letter from William J. Richter to Rob Olmstead.

⁷ See generally, August 7, 2016, Letter from William J. Richter to the Illinois Torture Inquiry and Relief Commission; January 20, 2019, Letter from William J. Richter to former-Chair, The Honorable Cheryl Starks; April 18, 2019, Letter from William J. Richter to the Illinois Torture Inquiry and Relief Commission; and August 8, 2019, Letter from William J. Richter to Rob Olmstead.

⁸ August 16, 2019, Letter from Rob Olmstead to William J. Richter.

⁹ September 10, 2019, Letter from William J. Richter to Rob Olmstead.

¹⁰ U.S. CENSUS BUREAU, ILLINOIS POPULATION HOUSING UNITS, AREA, AND DENSITY: 2010 – STATE – COUNTY/COUNTY EQUIVALENT 2010 CENSUS SUMMARY FILE, 2 (AUG. 5, 2019).

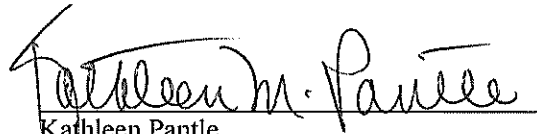
¹¹ *Id.* at 1.

defendant was convicted of a felony in a Circuit Court of a county having fewer than 3,000,000 inhabitants.¹²

Mr. Richter's alleged torture and felony conviction occurred in the Circuit Court of Macon County.¹³ As Macon County has fewer than 3,000,000 inhabitants, the Commission lacks jurisdiction to investigate Mr. Richter's claim.

The Commission summarily dismisses Mr. Richter's claim and instructs the Executive Director to notify Mr. Richter 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 administrative agency for purposes of administrative review under the Administrative Review Law (735 ILCS 4/3-101).¹⁴

Dated: October 16, 2019



Kathleen Pantle
Acting Chair

Illinois Torture Inquiry and Relief Commission

¹² 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>.

¹³ *Richter*, 977 N.E.2d, at 1269.

¹⁴ 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.