

## BEFORE THE ILLINOIS TORTURE INQUIRY AND RELIEF COMMISSION

In re:  
Claim of Ernesto Valle

TIRC No. 2019.651-V  
(Relates to Kane County Circuit  
Court Case No. 06-CR-2062)

### 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 following reasons:

1. Ernesto Valle, reached out to the Commission on or around March 20, 2019. Valle’s letter explained the details of his torture claim. According to his letter, Valle claims he was forced to confess to a murder he did not commit. According to Valle’s letter, six (6) officers took turns interviewing him and used aggressive police tactics. That despite Valle’s protest that he didn’t know about a murder, the detectives made a story about a FBI Informant that recorded Valle bragging about having committed the murder in question. After hours of questioning, Valle told officers he was done talking but officers returned to the interrogation room and forced him to confess, demanding Valle say “I screwed up, it was a mistake.” Valle contends he would have said anything to get investigating officers to let him go; he recalls repeatedly asking officers, “what do you want me to say?”. Valle ultimately repeated to officers a story he’d been instructed to recite; providing incriminating statements that would later lead to his murder conviction.<sup>1</sup>
2. On May 8, 2019, Commission Staff wrote Mr. Valle informing him of the narrow category of claims the Commission investigates. Commission staff explained to Mr. Valle, that the Commission’s opinion *In Re: Claim of Earnest Hubbard* outlines the Commission’s reasons for believing it has no jurisdiction in cases involving convictions occurring outside of Cook County. Commission Staff further explained, although Mr. Valle could file a claim, his claim would almost certainly be dismissed because the crime leading to Mr. Valle’s conviction occurred in Kane County, outside the Commission’s jurisdiction.<sup>2</sup>
3. On approximately August 9, 2019, Mr. Valle submitted a claim form to the Commission alleging Aurora Police Department detectives Moore, Parrish, Munn, Ronla, and Wallers participated in making him feel trapped; that these officers forced him to confess.<sup>3</sup>

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<sup>1</sup> See March 20, 2019, Letter from Ernesto Valle to Illinois Torture Inquiry and Relief Commission.

<sup>2</sup> See May 8, 2019, Letter from Torture Inquiry and Relief Commission to Ernesto Valle.

<sup>3</sup> See TIRC Claim Form of Ernesto Valle

## ANALYSIS

The TIRC Act empowers the Commission to investigate a “claims of torture”. 775 ILCS 40/10. A “Claim of torture” is defined 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 40/1)

As more fully outlined in the Commission’s decision in *In re: Claim of Ernest Hubbard*, the TIRC Act, “occurring within a county of more than 3,000,000 inhabitants” means that “the felony conviction at issue in the Claim of torture occurred in the courts of a county of more than 3,000,000 inhabitants.”<sup>4</sup> In Illinois, only Cook County exceeds 3,000,000 inhabitants.

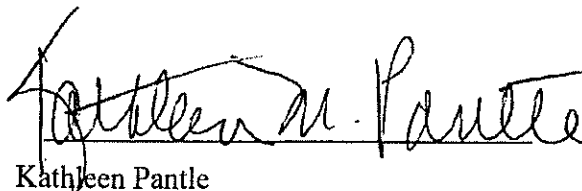
Such a definition eliminates the Commission’s jurisdiction over Kane County convictions.

## CONCLUSION

The Commission finds that Mr. Valle’s claim does not meet the definition of “claim of torture” in Section 5(1) of the TIRC Act, and that the Commission is without jurisdiction to consider his claim.

The Commission summarily dismisses Mr. Valle’s claim and instructs its Executive Director to notify Mr. Valle of the dismissal and of 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).

Dated: October 16, 2019



Kathleen Pantle

Alternate Chair

Illinois Torture Inquiry and Relief Commission

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<sup>4</sup> See *In re: Claim of Ernest Hubbard*, 7 (Decided September 21, 2016). See also 20 Ill. Admin. Code 2000.10 (effective March 17, 2017), adopting this definition in the Commission’s Administrative Rules.

<sup>5</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.