

## BEFORE THE ILLINOIS TORTURE INQUIRY AND RELIEF COMMISSION

In re:  
Claim of Jarvis Hugo Neely

TIRC No. 2019.665-N  
(Relates to Peoria County Circuit  
Court Case No. 01-CF-901)

### 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. Jarvis Hugo Neely was convicted of murder in Peoria County.<sup>1</sup> In a letter dated April 15, 2019 and received May 7, 2019, Mr. Neely wrote to the Commission, inquiring about claims of torture. Mr. Neely alleged he’d been attacked by IDOC staff with “bio electromagnetic weapons” and left with a number of neurological complications as a result.<sup>2</sup>
2. On July 31, 2019, Commission Staff provided Mr. Neely with a formal claim form and explained the Commission’s process of reviewing claims.<sup>3</sup>
3. On approximately August 7, 2019, Mr. Neely filed a claim form alleging he was “punched repeatedly and forced to confess to a crime and ... had a bio electromagnetic weapon in my head.”<sup>4</sup> Mr. Neely further specified that Peoria County Police Officers Shannon and Robe were responsible for this abuse.
4. On August 27, 2019, Commission staff wrote Mr. Neely informing him it would recommend dismissal of his claim because his conviction had occurred in a county with fewer than 3,000,000 inhabitants.<sup>5</sup> The letter encouraged Mr. Neely to write again if it had misunderstood his claim or if he had been convicted in Cook County. No response was received.

### ANALYSIS

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

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<sup>1</sup> See Illinois Department of Corrections Internet Inmate Status Report for Jarvis H. Neely.

<sup>2</sup> See Neely’s May 7, 2019 Letter to TIRC.

<sup>3</sup> See TIRC’s July 31, 2019 Letter to Neely.

<sup>4</sup> See TIRC Claim Form of Jarvis Hugo Neely.

<sup>5</sup> See TIRC’s August 27, 2019 Letter to Neely.

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) (Emphasis Added).

As more fully outlined in the Commission's decision in *In re: Claim of Ernest Hubbard*, in 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>6</sup> In Illinois, only Cook County exceeds 3,000,000 inhabitants.

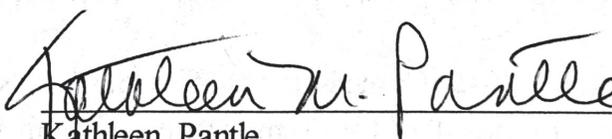
Such a definition eliminates the Commission's jurisdiction over Peoria County convictions.

#### CONCLUSION

The Commission finds that Mr. Neely'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. Neely's claim and instructs its Executive Director to notify Mr. Neely 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).<sup>7</sup>

Dated: October 16, 2019



Kathleen Pantle  
Alternate Chair

Illinois Torture Inquiry and Relief Commission

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<sup>6</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>7</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.