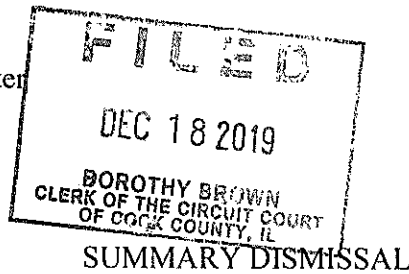


BEFORE THE ILLINOIS TORTURE INQUIRY AND RELIEF COMMISSION

In re:
Claim of Tremmel Broadwater



TIRC No. 2019.672-B
(Relates to Cook County Circuit
Court Case No. 89-CR-10542
*People v. Demetrius Broadwater,
Terrance Johnson and
Lester Boson*)

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 Tremmel Broadwater is the nephew of Demetrius Broadwater. Demetrius Broadwater, Terrance Johnson and Lester Boston were charged with murder and armed robbery for the March 22, 1989 murder and robbery of gas station attendant Cleotha Adams.¹
2. On or about August 9, 2019, Claimant Tremmel Broadwater filed a claim of torture with the Commission, alleging Chicago Detectives Michael McDermott, Frank Glynn and Barry Costello took him into custody for three days, threatened him with various criminal charges, denied him food and water and contact with any other people until he agreed to make a statement against his uncle and his uncle’s co-defendants before the grand jury. Tremmel Broadwater’s claim form indicates he himself was not convicted, but Terrance Johnson was convicted and sentenced to 60 years in prison.²
3. Claimant Tremmel Broadwater’s statement that he was not convicted is supported by a review of Cook County Circuit Court records, which do not show that Tremmel Broadwater was charged or convicted in connection with 89-CR-10542.³
4. On or about October 24, 2019 Commission staff sent Tremmel Broadwater a letter informing him that, since he was not convicted, the Commission likely had no jurisdiction over his claim and would likely dismiss it.⁴ It encouraged him to write to the Commission if it had misunderstood his claim. His response did not dispute he had not been convicted.⁵

¹ See *People v. Johnson*, 255 Ill.App.3d 547 (1993) at 549, 550.

² See Claim Form of Tremmel Broadwater.

³ See Screenshot of Cook County Circuit Court cases associated with Tremmel Broadwater.

⁴ See October 24, 2019 Letter from Rob Olmstead to Tremmel Broadwater.

⁵ See November 7, 2019 Letter from Tremmel Broadwater to Rob Olmstead, received Nov. 13, 2019.

ANALYSIS

The Illinois Torture Inquiry and Relief Act empowers the Commission to investigate Claims of Torture, which the Act defines as:

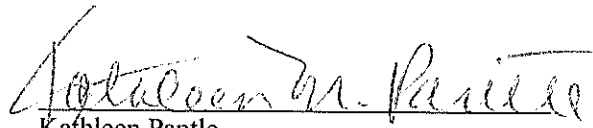
* * * a claim on behalf of a living person *convicted of a felony in Illinois* asserting that he was tortured into confessing to the crime for which the person was convicted and the tortured confession was used to obtain the conviction and for which there is some credible evidence related to allegations 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.”

The Commission does not condone police misconduct of any kind, particularly the abuse of witnesses to secure testimony against suspects. However, because Tremmel Broadwater was neither charged nor convicted of the murder at issue in 89-CR-10542, his claim does not qualify as a “claim of torture” as defined by the TIRC Act. Therefore, the Commission is without jurisdiction to investigate or consider his claim.

The Commission summarily dismisses Mr. Tremmel Broadwater’s claim and instructs the Executive Director to notify him 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).⁶

Dated: December 17, 2019


Kathleen Pantle
Acting Chair
Illinois Torture Inquiry and Relief Commission

⁶ 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.