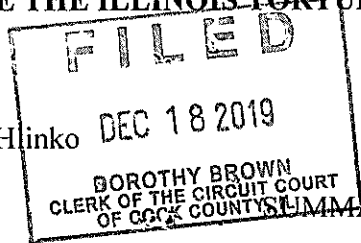


BEFORE THE ILLINOIS TORTURE INQUIRY AND RELIEF COMMISSION

In re:
Claim of Todd Hlinko



TIRC No. 2019.675-H
(Relates to Cook County Circuit
Court No. 89-CR-7496)

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 Todd Hlinko was arrested for and charged with the October 19, 1988, robbery and murder of Katherine Hoch, an attendant at a Calumet City gas station.¹
2. On or about August 9, 2019, Mr. Hlinko’s onetime co-defendant, Mr. Daniel Makiel, filed a claim form naming Todd Hlinko as the person claiming to have been tortured, and Mr. Makiel as the person signing the claim form. Mr. Makiel accused an Illinois State Police officer and a Calumet City investigator of hitting Hlinko in the head each time Hlinko denied involvement in the murder of Hoch, thereby securing a confession from Hlinko, and subsequently coercing Hlinko to testify against Makiel.^{2 3}
3. On August 16, 2019, Commission staff wrote to Makiel to clarify whether he was filing the claim on his own behalf, on Hlinko’s behalf, or on both men’s behalf. On August 22, 2019, Makiel wrote that he was filing the claim on behalf of both men.”⁴
4. Circuit Court Records indicate that although Mr. Hlinko was initially charged with Ms. Hoch’s murder, the charges against Hlinko were dropped on March 8, 1991 after Hlinko agreed to testify against Mr. Makiel.⁵

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 living⁶ 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

¹ See, *People v. Makiel*, 623 Ill.App.3d 54 (1st Dist., May 24, 1994).

² See Todd Hlinko Claim Form.

³ The Illinois Torture Inquiry and Relief Act specifies that “[a] claim of torture may be referred to the Commission by any court, person or agency.” 775 ILCS 40/40(a), thus requiring adjudication of this claim despite the subject of the torture not making the claim.

⁴ See August 22, 2019 Letter from Dan Makiel, received August 30, 2019, to Rob Olmstead, TIRC Executive Director.

⁵ See *People v. Makiel*, fn. 1; see also Cook County Circuit Court Docket, *People v. Hlinko*, 89-CR-7496(01).

⁶ Although the Commission did not confirm it, and therefore does not dismiss the claim on this basis, there is some evidence that the claimant is deceased. See Castle Hill Funeral Home Memorial page for Todd Joseph Hlinko, deceased November 30, 2017.

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.”

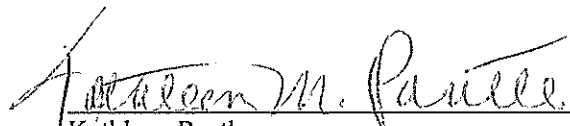
Court records confirm that Mr. Hlinko was not convicted of the crime for which torture is claimed.

While the Commission does not condone police misconduct of any kind, the plain language of the TIRC Act limits this Commission’s jurisdiction to those instances in which a defendant claims he was tortured into confessing and that confession was used against the claimant to obtain the claimant’s conviction.⁷

CONCLUSION

The Commission is without jurisdiction to consider Mr. Hlinko’s claim because he was not convicted. The Commission summarily dismisses Mr. Hlinko’s claim and instructs the Executive Director to send notice of the dismissal and Mr. Hlinko’s right to judicial review under the Illinois Administrative Review Law to Mr. Hlinko’s last known address. 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).⁸

Dated: December 17, 2019



Kathleen Pantle

Acting Chair

Illinois Torture Inquiry and Relief Commission

⁷ See *In re: Claim of Ramsey Lewis*, TIRC No. 2014.198-L, dismissed by the Commission on May 20, 2015, because Mr. Lewis had not been convicted of the crime for which he claimed torture. Available at: <https://www2.illinois.gov/sites/tirc/Documents/2015.5.20%20LEWIS%20summary%20dismissal%20-%20stamped.pdf>

⁸ 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.