

## BEFORE THE ILLINOIS TORTURE INQUIRY AND RELIEF COMMISSION

In re:  
Claim of Timothy Martin

TIRC No.: 2019.606-M  
(Relates to Livingston County  
Court No. 17-CF-78)

### 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 reasons that follow.

1. On January 25, 2019, Timothy Martin filed a claim form with the Commission alleging torture.<sup>1</sup>
2. Although Mr. Martin’s allegations of torture are uninvestigated,<sup>2</sup> his claim form and his Illinois Department of Corrections online profile indicate that one of the criminal convictions in which he is alleging torture (17-CF-78) was adjudicated in Livingston County.<sup>3</sup>

### 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 has previously interpreted Section 5(1)’s language about “torture occurring within a county of more than 3,000,000 inhabitants” as divesting the Commission of jurisdiction over felony convictions occurring anywhere but in the Cook County Courts.<sup>4</sup>

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<sup>1</sup> See Timothy Martin Claim Form.

<sup>2</sup> Note that Mr. Martin’s Claim Form contains two claims: one in Cook County, which allegedly occurred in the 1980s, and one in Livingston County, which allegedly occurred in 2017. This Summary Dismissal only pertains to the Livingston County claim. The Cook County claim is accepted for review and is not affected by dismissal of the Livingston County claim.

<sup>3</sup> See Illinois Department of Corrections Internet Inmate Status printout, accessed March 01, 2019.

<sup>4</sup> See *In re: Claim of Ernest Hubbard*, TIRC No. 2014.242-H, decided September 21, 2016, at 7; available at <https://www2.illinois.gov/sites/tirc/Documents/Ernest%20Hubbard%20SUMMARY%20DISMISSAL%20ORDER-FINAL%2c%20SIGNED.pdf>.

Accordingly, because Mr. Martin was convicted in Livingston County, the Commission is without jurisdiction to consider his claim.

The Commission summarily dismisses Mr. Martin's claim and instructs the Executive Director to notify Mr. Martin 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).<sup>5</sup>

Dated: April 17, 2019

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Kathleen Pantle, Chair  
Illinois Torture Inquiry and Relief Commission

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<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.