

BEFORE THE ILLINOIS TORTURE INQUIRY AND RELIEF COMMISSION

In re:

TIRC No. 2017.530-N
(relates to Cook County Circuit
Court No. 93-CR-19554)

Claim of Juan Neely

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 Juan Neely was convicted of the July 18, 1993 murder of Marcus Seaton (aka Marcus Johnson).
2. On or about August 9, 2017, Juan Neely filed a claim form with the Commission. Mr. Neely alleged that his co-defendant, Marlo Sandifer, was choked, locked in a closet, and threatened by police into making a statement against both himself and Mr. Neely.¹ Mr. Neely’s claim form did not indicate that he, personally, was tortured or that he made any statements in response to torture.²
3. On June 10, 2020, the Commission’s Executive Director, Rob Olmstead, notified Mr. Neely that further information was required in order to investigate his claim.³ The Commission formulated a list of specific questions seeking clarification regarding:⁴
 - a. Whether Mr. Neely himself was subjected to torture;
 - b. Whether he made any statements to police or prosecutors about the charged offense; and
 - c. Whether police or prosecutors claimed Mr. Neely made a statement regardless of whether Mr. Neely actually had made statements.
4. On August 3, 2020, the Commission received a response from Mr. Neely.⁵ He indicated that that his co-defendant, Mr. Sandifer, and a witness, Tracy Lindsey, were now willing to recant their statements against him.⁶ Additionally, Mr. Neely responded to the questions that the Commission submitted to him, stating:⁷
 - a. Mr. Neely was *not* the subject of any torture by state authorities;

¹ See TIRC Claim Form of Juan Neely (Aug. 9, 2017).

² *Id.*

³ See June 10, 2020, Letter from Rob Olmstead, TIRC Executive Director, to Juan Neely.

⁴ *Id.*

⁵ See Aug. 3, 2020, Letter from Juan Neely, to TIRC.

⁶ *Id.*

⁷ *Id.* (emphasis added).

- b. He did *not* make any statements to police or prosecutors about the underlying crime; and
 - c. The police and prosecutors did *not* claim he made any statements to them about the underlying crime.
5. The transcripts from Mr. Neely’s trial, reviewed by TIRC staff, confirm that no police officer or prosecutor claimed Mr. Neely made a statement or attempted to introduce any statement by Neely to authorities into evidence.

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 “[t]he Commission may informally screen and dismiss a case summarily at its discretion.”

Mr. Neely’s claim form, and subsequent letter, confirm that he was not tortured and that he did not make any statements to authorities that were then used by the prosecution to convict him. Rather, Mr. Neely claims others—his co-defendant and a witness—were pressured into giving statements against him.

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 that *he* was tortured into giving a statement against himself and that *his own* statement was subsequently used to obtain his conviction.⁸ Because no tortured statement by Mr. Neely was used to obtain his conviction, the Commission is without jurisdiction in this matter.

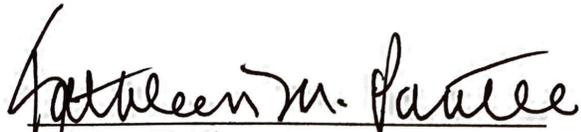
CONCLUSION

The Commission summarily dismisses Mr. Neely’s claim and instructs the Executive Director to notify Mr. Neely of the dismissal and his right to judicial review under the Illinois

⁸ See *In re Daniel W. Makiel* (Dec. 17, 2019) (summary dismissal because Mr. Makiel claimed that other witnesses were tortured into giving statements and testifying against him); *In re: Bobby Cooks* (Aug. 21, 2019) (summary dismissal because Mr. Cooks, though tortured, did not make any statement in response to torture); See *In re: In re: Claim of James Sardin* (June 17, 2014) (summary dismissal because Mr. Sardin claimed only a witness, and not himself, was tortured into giving a statement that was used to convict Mr. Sardin).

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).⁹

Dated: August 19, 2020



Kathleen Pantle
Alternate/Acting Chair
Illinois Torture Inquiry and Relief Commission

⁹ 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.