

BEFORE THE ILLINOIS TORTURE INQUIRY AND RELIEF COMMISSION

In re:
Claim of Stanley D. Miller

TIRC Claim No. 2011.102-M
(Relates to Cook County Circuit Court
Case No. 01-CR-24718)

CASE DISPOSITION

Pursuant to 775 ILCS 40/45(c) and 2 Ill. Adm. Code 3500.385(b), the Commission concludes that, by a preponderance of the evidence, there is sufficient evidence of torture to merit judicial review. The Commission refers this claim to the Chief Judge of the Circuit Court of Cook County and requests assignment to a trial judge for consideration. *See* 775 ILCS 40/50. This decision is based upon Ethe Factual Summary and Conclusions set forth below, and the supporting record attached.

Introduction

Stanley Miller was convicted of murdering Yolanda Castillo, who was shot and killed on September 7, 2001. Mr. Miller claims that during interrogations at Area 1 homicide from September 7–10, 2001, Detectives James O’Brien and John Halloran failed to read him his Miranda rights and did not honor his requests for an attorney.¹ During the 55 hours of confinement in the small, windowless interrogation room, Mr. Miller further claims Detectives O’Brien and Halloran refused to let him use the bathroom or sleep and only fed him once or twice.² Mr. Miller claims Detective Halloran physically threatened him on multiple occasions and at one point wrapped his hands around his neck and choked him.³ Finally, Mr. Miller claims Detective Halloran told him that if he didn’t confess he would charge his girlfriend with murder and take away their children.⁴ Mr. Miller claims that as a direct result of this sustained physical and emotional abuse he gave a videotaped confession that led to his conviction for first degree murder.⁵ He was sentenced to 85 years of imprisonment.⁶

While some of Mr. Miller’s testimony raises credibility issues, the Commission finds that, on balance, there is sufficient evidence of torture meriting judicial review.

¹ *See* Ex. 1, 11/14/2011 S. Miller TIRC Claim Form.

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

Timeline of events
during Stanley Miller's police custody⁷

- September 7, 2001 at approximately 9:30 PM: Detectives O'Brien and Halloran received a radio call regarding the shooting death of Yolanda Castillo.
- September 7, 2001 at 9:55 PM: Stanley Miller and others were arrested on suspicion of being involved in the shooting of Ms. Castillo.
- September 7, 2001 sometime after the arrest: Mr. Miller was taken to Area 1 homicide and placed in a small, windowless interrogation room. According to Mr. Miller, his right hand was handcuffed to a metal bench in the room and was not removed until right before his confession on the morning of September 10.
- September 8, 2001 at approximately 3:00 AM: Detectives O'Brien and Halloran first questioned Mr. Miller regarding the Castillo shooting. The initial interview lasted approximately 20 minutes and Mr. Miller denied being involved in the shooting, offering his brother Lanelle Miller and girlfriend Crystal Ware as alibi witnesses. Mr. Miller alleges he was not read his Miranda rights and was refused a lawyer
- September 8, 2001 a short time after the initial meeting: Detectives O'Brien and Halloran spoke with Lanelle Miller and informed Stanley Miller that his alibi did not check out.
- September 8, 2001 sometime in the early morning: Detective Halloran entered Mr. Miller's interrogation room alone and, according to Miller, told him that if he did not tell him what he wanted to hear he was going to "fuck [him] up."
- September 8, 2001 sometime late in the morning: Detective Halloran entered Mr. Miller's interrogation room alone. Miller claims after he denied being involved in the shooting Detective Halloran choked him to the point where he could not breathe. Detective Halloran told Mr. Miller that if he fell asleep he was going to "fuck [him] up."
- September 8, 2001 late morning through September 9, 2001 in the afternoon: Mr. Miller was alone in the interrogation room at Area 1 homicide for over 24 hours and was not interrogated by any detectives. He maintains he was not allowed to use the bathroom nor was he given food during this period.
- September 9, 2001 at approximately 8:00 PM: Detectives O'Brien and Halloran spoke with Crystal Ware and told Mr. Miller his alibi did not check out.
- September 9, 2001 at approximately 8:15 PM: Detectives O'Brien and Halloran allowed Ms. Ware to meet alone with Mr. Miller for approximately 5 minutes. Ms. Ware allegedly told Mr. Miller that the detectives threatened to charge her with murder and take away their kids if Mr. Miller did not confess.

⁷ See Factual Summary, *infra*, for supporting testimony and documentation.

- September 9, 2001 at approximately 9:00 PM: Mr. Miller made an inculpatory statement and confessed to the Castillo shooting.
- September 10, 2001 at approximately 1:30 AM: Mr. Miller met with Detective O'Brien and Assistant State's Attorney Brosnan and again orally confessed to the Castillo shooting.
- September 10, 2001 at 5:30 AM: Mr. Miller made a videotaped confession regarding the Castillo shooting in the presence of Detective O'Brien and ASA Brosnan.
- From the time of his arrest on Friday, September 7 until the videotaped confession on Monday, September 10, Mr. Miller was confined in the interrogation room at Area 1 homicide for approximately 55 hours. During those 55 hours he alleges he was denied access to a bathroom, was not allowed to sleep, and was provided only one or two meals.

Factors weighing in favor of Miller's claims

- Mr. Miller's claims have generally been consistent over time. His attorney raised the abuse allegations and sought to have his confession suppressed before trial, albeit unsuccessfully. Further, there is general consistency between Mr. Miller's testimony at the suppression hearing, appeal, two post-conviction petition filings, statements in his TIRC claim forms, and a December 2019 interview with TIRC representatives.
- Crystal Ware's trial testimony corroborated Mr. Miller's claim and directly rebutted those of Detectives O'Brien and Halloran. Detectives O'Brien and Halloran denied ever letting Mr. Miller talk to Ms. Ware during the investigation or threatening to charge her with murder if Mr. Miller did not confess. At trial, however, Ms. Ware testified that she was allowed to privately speak with Mr. Miller and was told by Detectives O'Brien and Halloran that if Mr. Miller did not confess they would charge her with murder and take away her children. Ms. Ware was called as a State's witness and otherwise testified against Mr. Miller, making her testimony in this regard extremely credible.
- Significant and consistent evidence of abuse allegations against both Detective O'Brien and Detective Halloran establish a pattern and practice of abuse. Certain complaints against the detectives allege conduct strikingly similar to Mr. Miller's allegations, including choking suspects and threatening to arrest family members and take away their children if they did not confess. Additionally, Ms. Ware's impeachment of their testimony regarding her visit with Miller raises the prospect of their lying on other topics, including torture.

Factors weighing against Miller's claims

- There is a lack of physical evidence or contemporaneous documentation of abuse. Mr. Miller did not report the choking to the State's Attorney who questioned him nor the police lockup officer. He reports to TIRC that he reported to Cook County Jail medical intake personnel that he was choked, but his intake form apparently was not sought as evidence during pre-trial motions and could not be located by TIRC.

- Minor inconsistencies in Mr. Miller’s testimony. At the suppression hearing, the judge found significant Mr. Miller could not recall if he was choked by Detective Halloran in the late morning or early afternoon of September 8.
- Mr. Miller stated during his videotaped confession that he gave the confession freely and was not threatened in any way. He also stated that he was allowed to use the bathroom during his interrogation and was given food.
- Mr. Miller’s credibility is suspect in that several witnesses refuted the alibi Mr. Miller initially offered Detectives O’Brien and Halloran regarding the shooting was refuted by both his brother Lanelle Miller and girlfriend Crystal Ware.

Factual Summary

1. Background

On Friday, September 7, 2001, Yolanda Castillo was shot and killed at 4945 S. Paulina in Chicago.⁸ Police officers responded to the crime scene at approximately 9:30 PM to investigate the shooting.⁹ Around the same time, a vehicle matching the description of the one used in the shooting was pulled over by police.¹⁰ Police officers observed firearm casings on the floor of the vehicle and one occupant made an incriminating statement regarding his involvement in the shooting of Ms. Castillo.¹¹ The occupants of the vehicle, which included Felix Delgado and Roger Sharkey, were arrested and brought to Area 1 homicide for questioning.¹² Police were also directed to Stanley Miller, who was arrested a short time later on the 2200 block of West 50th Place.

Detectives O’Brien and Halloran first met with Stanley Miller at approximately 3:00 AM on Saturday, September 8 for about 30 minutes.¹³ In this initial interview, Mr. Miller denied having any involvement in the shooting of Yolanda Castillo and offered an alibi, suggesting his brother Lanelle Miller and girlfriend Crystal Ware would be able to confirm his alibi.¹⁴ After conferring with Lanelle Miller, Detectives O’Brien and Halloran spoke with Mr. Miller again at approximately 7:00 AM to inform him that Lanelle Miller did not support his alibi.¹⁵ The detectives were finally able to locate Ms. Ware on the evening of Sunday, September 9. Ms. Ware also contradicted Mr. Miller’s alibi. After learning that his alibi did not check out, Mr. Miller gave an inculpatory statement and admitted to participating in the shooting.¹⁶

⁸ 06/16/2003 Motion to Suppress Hearing Transcript at G-5 (TIRC-Compiled Report of Court Proceedings for Stanley Miller p.0057 (hereinafter TCROP).

⁹ *Id.* at G-6 (TCROP 0058).

¹⁰ *Id.*

¹¹ Ex. 3, 09/09/2001 Chicago Police Arrest Report.

¹² *Id.*; 06/16/2003 Motion to Suppress Hearing Transcript at G-65 (TCROP 0117).

¹³ 06/16/2003 Motion to Suppress Hearing Transcript at G-8, 10 (TCROP 0060, 0062).

¹⁴ *Id.* at G – 29 (TCROP 0081).

¹⁵ , 06/17/2003 Motion to Suppress Hearing Transcript at H-6 (TCROP 0168).

¹⁶ , 06/16/2003 Motion to Suppress Hearing Transcript at G-14–15 (TCROP 0066-67).

2. Videotaped Confession¹⁷

On the morning of September 10 at 5:30 AM, after approximately 55 hours of confinement in Area 1 homicide, Mr. Miller confessed to the murder of Ms. Castillo via a videotaped confession. Present at the videotaped confession were Assistant States Attorney Patrick Brosnan, Detective James O'Brien, and Mr. Miller. At the beginning of the videotaped confession, ASA Brosnan read Mr. Miller Miranda rights. Mr. Miller stated that he understood his rights and confessed to the crime.

Mr. Miller stated that he was a member of the Satan's Disciples gang and was involved in a drive-by shooting of a rival gang, the Latin Souls on September 7. On that day, according to his statement, Mr. Miller fired a .45 caliber handgun during the shooting as part of his initiation into the gang. It was during this shooting that Ms. Castillo was struck by a bullet and killed.

At the end of his confession, Mr. Miller stated that he was treated well by the detectives and ASA Brosnan throughout his custody. After being asked by ASA Brosnan, Mr. Miller also stated that he received McDonald's to eat and was allowed to use the bathroom. Finally, Mr. Miller stated in the video recording statement that he made the confession freely and voluntarily and that no threats were made against him.

3. Case Proceedings, Case No. 01-CR-24718 (Judge Stuart Palmer)

(a) Suppression Hearing

A hearing regarding Mr. Miller's motion to suppress his videotaped confession was held on June 16–17, 2003 in front of Judge Stuart Palmer.¹⁸ Mr. Miller alleged that his confession was coerced through the use of threats and physical violence. At the hearing, Mr. Miller and Detectives O'Brien and Halloran testified.

(i) Testimony of Stanley D. Miller

Mr. Miller was arrested in connection with the Castillo shooting at 9:55 PM on September 7, 2001.¹⁹ He was taken to Area 1 homicide for questioning and placed in a room that was approximately 10 x 10 feet.²⁰ The room had no windows and contained only a steel bench.²¹ Mr. Miller testified that he was handcuffed to a pole in the room.²²

Mr. Miller first met Detectives O'Brien and Halloran shortly after being placed in the investigation room.²³ In this initial meeting the detectives told Mr. Miller that he had been arrested

¹⁷ See Ex. 2, Videotaped Confession of S. Miller.

¹⁸ See 06/16/2003 Motion to Suppress Hearing Transcript (TCROP 0054-0163); 06/17/2003 Motion to Suppress Hearing Transcript (TCROP 0164-0218).

¹⁹ 06/16/2003 Motion to Suppress Hearing Transcript at G-63 (TCROP 0115).

²⁰ *Id.* at G-65 (TCROP 0117).

²¹ *Id.* at G-68 (TCROP 0120).

²² *Id.*

²³ *Id.* at G-69–70 (TCROP 0121-0122).

because he was identified as being a shooter in the Castillo murder.²⁴ Mr. Miller testified that he was not read his Miranda rights and that he asked for a lawyer but was refused one.²⁵ The initial questioning lasted approximately 15 minutes.²⁶

About an hour after the first interaction, Detectives O'Brien and Halloran came back into the room to question Mr. Miller.²⁷ The detectives told Mr. Miller again that he had been identified as a shooter. Mr. Miller responded that he wasn't part of the shooting and was with his brother Lanelle Miller and Crystal Ware.²⁸ The detectives left briefly and came back to tell Mr. Miller that Lanelle Miller implicated him as one of the shooters.²⁹

Mr. Miller stated that at some point in the early morning of September 8, Detective Halloran came into the investigation room alone.³⁰ Detective Halloran told Mr. Miller that he was getting tired and that if Mr. Miller didn't tell him what he wanted to hear he was going to "fuck [him] up."³¹ Mr. Miller told Detective Halloran that he didn't know anything and that he wanted a lawyer.³² Mr. Miller was denied a lawyer.³³

Sometime late in the morning on September 8, Detective Halloran again visited Mr. Miller in the investigation room alone.³⁴ During this visit Detective Halloran choked Mr. Miller.³⁵ Mr. Miller testified that he was sitting down and Detective Halloran used both of his hands to choke him.³⁶ Mr. Miller began crying and told Detective Halloran that he didn't know anything about the shooting.³⁷ Detective Halloran told Mr. Miller that if he fell asleep he was going to "fuck [him] up."³⁸ Mr. Miller again requested a lawyer but was refused one.³⁹

After being choked by Detective Halloran, Mr. Miller testified that he was alone in the investigation room and did not see Detectives O'Brien and Halloran until the next evening, September 9.⁴⁰ That evening, Detectives O'Brien and Halloran informed Mr. Miller they had finally spoken to Ms. Ware and brought her into the investigation room.⁴¹ The detectives then left Mr. Miller and Ms. Ware alone in the room for approximately 5 minutes.⁴² Mr. Miller testified

²⁴ *Id.*

²⁵ *Id.* at G-70-71 (TCROP 0122-0123).

²⁶ *Id.* at G-70 (TCROP 0122).

²⁷ *Id.* at G-72 (TCROP 0124).

²⁸ *Id.* at G-73 (TCROP 0125).

²⁹ *Id.* at G-73. (TCROP 0125)

³⁰ *Id.* at G-75-76 (TCROP 0127-0128).

³¹ *Id.*

³² *Id.*

³³ *Id.*

³⁴ *Id.* at G-78 (TCROP 0130).

³⁵ *Id.* at G-77-78 (TCROP 0129-0130).

³⁶ *Id.*

³⁷ *Id.*

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ *Id.* at G-78-79 (TCROP 0130-0131).

⁴¹ *Id.* at G-85-87 (TCROP 0137-0139).

⁴² *Id.*

that Ms. Ware was crying and told him that unless he confessed to the Castillo shooting she would be charged with the murder and her kids would be taken away from her.⁴³

After meeting with Ms. Ware, Mr. Miller confessed to the Castillo shooting.⁴⁴ Mr. Miller explained that he confessed to the Castillo shooting because he didn't want Ms. Ware to go to jail nor did he want her children taken from her.⁴⁵ He also testified that he was exhausted from getting no sleep and was scared Detective Halloran may choke him again.⁴⁶

Throughout the duration of Mr. Miller's custody, he did not sleep and was handcuffed to the bench at all times.⁴⁷ He also was not allowed to use the bathroom and was told to urinate in a Styrofoam cup that was in the investigation room.⁴⁸

On cross-examination, Mr. Miller could not recall the specific time Detective Halloran choked him on Saturday.⁴⁹ Mr. Miller also testified on cross-examination that Detective Halloran came into the investigation room alone only twice, once on Saturday and once on Sunday.⁵⁰

(ii) Testimony of Detective James O'Brien

Detective O'Brien, along with his partner Detective Halloran, worked as the lead investigators regarding the shooting death of Ms. Castillo.⁵¹ Detective O'Brien questioned Mr. Miller while he was in custody and was present during Mr. Miller's videotaped confession.

Detective O'Brien first learned of the Castillo shooting around 9:30 PM on Friday September 7, 2001.⁵² While en route to the shooting scene, Detective O'Brien overheard on the radio that a vehicle matching the description of the one used in the shooting had been stopped and the vehicle's occupants were arrested.⁵³ Once on scene, Detective O'Brien ensured evidence was recovered and witnesses were interviewed.⁵⁴ Detective O'Brien also visited Cook County Hospital to check on the status of Ms. Castillo.⁵⁵

At approximately 1:00 AM on September 8, Detective O'Brien went to Area 1 Violent Crimes to interview the individuals arrested from the vehicle identified as the shooting vehicle, which included Mr. Miller.⁵⁶ Detective O'Brien recalled first meeting with Mr. Miller at 3:00 AM

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ *Id.* at G-101-102 (TCROP 0153-0154).

⁴⁸ *Id.* at G-104 (TCROP 0156).

⁴⁹ *Id.* at G-97 (TCROP 0149).

⁵⁰ *Id.* at G-98-99 (TCROP 0150-0151).

⁵¹ *Id.* at G-5 (TCROP 0057).

⁵² *Id.* at G-6 (TCROP 0058).

⁵³ *Id.*

⁵⁴ *Id.* at G-6-7 (TCROP 0058-0059).

⁵⁵ *Id.* at G-7 (TCROP 0059).

⁵⁶ *Id.* at G-7.

on September 8.⁵⁷ Detective Halloran was also present for this meeting.⁵⁸ Detective O'Brien testified that he advised Mr. Miller of his Miranda rights and that Mr. Miller stated he understood them.⁵⁹ During this initial interview, which lasted approximately 30 minutes, Mr. Miller denied any involvement in the shooting and offered two alibi witnesses: his brother Lanelle Miller and his girlfriend Crystal Ware.⁶⁰

Sometime on the morning of September 8, Detective O'Brien talked to Lanelle Miller who refuted Mr. Miller's alibi.⁶¹ Detective O'Brien testified that he and Detective Halloran spoke to Mr. Miller again on the morning of September 8 to let him know that Lanelle Miller did not support his alibi.⁶² Detectives O'Brien and Halloran continued investigating the shooting of Ms. Castillo on September 8 until they finished their shift at 7:00 PM.⁶³ They did not speak to Mr. Miller again that day.

Detectives O'Brien and Halloran returned to work the following day, September 9, at 4:30 PM to continue the investigation.⁶⁴ Upon returning to work they were finally able to meet with Ms. Ware, who refuted Mr. Miller's alibi.⁶⁵ Detective O'Brien denied that Ms. Ware was ever allowed to speak to Mr. Miller that day.⁶⁶ Detectives O'Brien and Halloran met with Mr. Miller again at approximately 8:00 PM.⁶⁷ During that conversation, Mr. Miller was confronted with the fact that he was named by several witnesses and implicated by co-offenders as being involved in the shooting of Ms. Castillo.⁶⁸ Detectives O'Brien and Halloran also explained to Mr. Miller that his alibi had not been substantiated by either Lanelle Miller or Ms. Ware.⁶⁹ After learning that his alibi did not check out, Mr. Miller gave an inculpatory statement and admitted to participating in the shooting.⁷⁰

Detective O'Brien again met with Mr. Miller at approximately 1:30 AM on September 10, this time with Assistant State's Attorney Brosnan.⁷¹ Mr. Miller agreed to give a videotaped confession and signed a consent form.⁷² His videotaped confession was taken at 5:39 AM later that morning.⁷³

⁵⁷ *Id.* at G-8 (TCROP 0060).

⁵⁸ *Id.*

⁵⁹ *Id.* at G-9-10 (TCROP 0061-0062) ("After each and every right that was read to him, I asked him if he understood it, he stated that he did.").

⁶⁰ *Id.* at G-12 (TCROP 0064).

⁶¹ *Id.* at G-37 (TCROP 0089).

⁶² *Id.*

⁶³ *Id.* at G-54 (TCROP 0106).

⁶⁴ *Id.* at G-36 (TCROP 0088).

⁶⁵ *Id.* at G-13-14 (TCROP 0065-0066).

⁶⁶ *Id.* at G-33 (TCROP 0085).

⁶⁷ *Id.* at G-14-15 (TCROP 0066-0067).

⁶⁸ *Id.*

⁶⁹ *Id.*

⁷⁰ *Id.*

⁷¹ *Id.* at G-15-16 (TCROP 0067-0068).

⁷² *Id.* at G-17 (TCROP 0069).

⁷³ *Id.* at G-46 (TCROP 0098).

In all, Mr. Miller was held in the interrogation room in Area 1 homicide for approximately 55 hours between the time of his arrest on the evening of September 7, and confession on the morning of September 10.⁷⁴ Detective O'Brien testified that Mr. Miller was only interviewed by himself and Detective Halloran a handful of times during those 55 hours: the initial interview on September 8 at 3:00 AM,⁷⁵ the brief conversation after Lanelle Miller refuted his alibi later that morning,⁷⁶ the initial confession on September 9 at 8:00 PM,⁷⁷ the first meeting with ASA Brosnan on September 10 at 1:30 AM,⁷⁸ and finally the videotaped confession at 5:39 AM that morning.⁷⁹ Other than those five interactions, Mr. Miller was alone in the interrogation room during the course of those 55 hours.⁸⁰

The room in Area 1 that Mr. Miller was confined from the evening of September 7 until the morning of September 10 was approximately 10 x 10 feet.⁸¹ The room had no windows, contained a metal bench, and was painted a neutral color.⁸²

Detective O'Brien testified that Mr. Miller would have been able to use the bathroom at any time he requested.⁸³ He did not recall specific instances where Mr. Miller used the bathroom, but stated that he would have allowed Mr. Miller to use the bathroom if he requested and that it was common practice for other officers to allow suspects to use the bathroom if he was not present.⁸⁴ Detective O'Brien denied that he or Detective Halloran ever told Mr. Miller that he could not use the bathroom and had to urinate in a Styrofoam cup.⁸⁵ He also testified that Mr. Miller never complained to him that he was not able to use the bathroom.⁸⁶

Detective O'Brien was unaware of whether Mr. Miller slept while he was held at Area 1 homicide.⁸⁷ He assumed Mr. Miller slept, but never saw him sleeping.⁸⁸ According to Detective O'Brien, Mr. Miller never complained that he was not able to sleep.⁸⁹ Detective O'Brien also recalled giving Mr. Miller food from McDonald's while he was detained.⁹⁰

Detective O'Brien denied that he or Detective Halloran ever choked Mr. Miller or threatened to "fuck him up" if he fell asleep.⁹¹ He also denied that they ever threatened to charge

⁷⁴ *Id.* at G-25 (TCROP 0077).

⁷⁵ *Id.* at G-28 (TCROP 0080).

⁷⁶ *Id.* at G-37 (TCROP 0089).

⁷⁷ *Id.* at G-46 (TCROP 0098).

⁷⁸ *Id.*

⁷⁹ *Id.*

⁸⁰ *Id.* at G-44-47 (TCROP 0096-0099).

⁸¹ *Id.* at G-39 (TCROP 00091).

⁸² *Id.* at G-39-40 (TCROP 0091-0092).

⁸³ *Id.* at G-41-42 (TCROP 0093-0094).

⁸⁴ *Id.*

⁸⁵ *Id.* at G-40-41 (TCROP 0092-0093).

⁸⁶ *Id.* at G-19-20 (TCROP 0071-0072).

⁸⁷ *Id.* at G-20 (TCROP 0072).

⁸⁸ *Id.*

⁸⁹ *Id.*

⁹⁰ *Id.*

⁹¹ *Id.* at G-20-22 (TCROP 0072-0074).

Ms. Ware and take away her kids if Mr. Miller didn't confess.⁹² Although Detectives O'Brien and Halloran typically always interviewed suspects together, Detective O'Brien conceded that he was not with Detective Halloran at all times during the investigation.⁹³

(iii) Testimony of Detective John Halloran

Detective Halloran's testimony at the motion to suppress hearing was largely consistent with that of Detective O'Brien's. Detective Halloran was assigned to Area 1 violent crimes and was involved in the homicide investigation of Ms. Castillo.⁹⁴ He first met with Mr. Miller the morning of September 8, 2001 at 3:00 AM along with Detective O'Brien.⁹⁵ Detective O'Brien read Mr. Miller Miranda warnings from the preprinted form in the FOP handbook at that initial meeting.⁹⁶ Mr. Miller did not request a lawyer.⁹⁷ Detective Halloran and O'Brien again met with Mr. Miller at approximately 6:00 AM or 7:00 AM that same morning.⁹⁸ At this second meeting Detective O'Brien again reminded Mr. Miller of his Miranda rights and Mr. Miller again did not request a lawyer.⁹⁹ The final meeting Detective Halloran recalled having with Mr. Miller during the investigation of Ms. Castillo occurred the following day on September 9 at approximately 8:00 PM.¹⁰⁰ Detective Halloran testified that these three interviews were the only conversations he had with Mr. Miller during the investigation.¹⁰¹ Detective O'Brien was present during all three conversations and Detective Halloran stated that he never met with Mr. Miller alone.¹⁰² According to Detective Halloran, no other detectives from Area 1 interviewed Stanley Miller during the investigation.¹⁰³

Regarding Mr. Miller's allegations, Detective Halloran testified that he never entered Mr. Miller's room on September 8 and choked him.¹⁰⁴ Detective Halloran also denied ever telling Mr. Miller that if he fell asleep he would "fuck him up."¹⁰⁵ Throughout the investigation, Detective Halloran claimed to have personally observed Mr. Miller be allowed to leave his interview room to use the bathroom.¹⁰⁶ He was not aware of Mr. Miller ever urinating in a Styrofoam cup.¹⁰⁷ Furthermore, Detective Halloran stated that Mr. Miller was given food during the day on

⁹² *Id.*

⁹³ *Id.* at G-56 (TCROP 0108).

⁹⁴ 6/17/2003 Motion to Suppress Hearing Transcript at H-4 (TCROP 0166).

⁹⁵ *Id.* at H-5 (TCROP 0167).

⁹⁶ *Id.* at H-6 (TCROP 0168).

⁹⁷ *Id.*

⁹⁸ *Id.*

⁹⁹ *Id.* at H-6-7 (TCROP 0167-0168).

¹⁰⁰ *Id.* at H-7-8 (TCROP 0168-0169).

¹⁰¹ *Id.* at H-8 (TCROP 0169).

¹⁰² *Id.*

¹⁰³ *Id.* at H-27 (TCROP 0189).

¹⁰⁴ *Id.* at H-8-9 (TCROP 0169-0170).

¹⁰⁵ *Id.*

¹⁰⁶ *Id.* at H-10-11 (TCROP 0171-0172).

¹⁰⁷ *Id.*

September 8 and then again on the evening of September 9.¹⁰⁸ Detective Halloran denied that Ms. Ware was ever allowed to speak directly to Mr. Miller on the evening of September 9.¹⁰⁹

(iv) Mr. Miller's Motion to Suppress Denied

The court denied Mr. Miller's motion to suppress his videotaped confession.¹¹⁰ It found that although Mr. Miller's custody at Area 1 was for a significant period of time, it was due to the complex nature of the investigation and was therefore reasonable.¹¹¹ The court found Detectives O'Brien and Halloran's testimony consistent and supported by Mr. Miller's confession.¹¹² It observed that in the videotaped confession Mr. Miller did not appear to be under duress or sleep deprived.¹¹³ Furthermore, the court found Mr. Miller's testimony to be internally inconsistent and unreasonable.¹¹⁴ It was notable to the court that Mr. Miller could not recall the exact time that he was choked by Detective Halloran.¹¹⁵ The court also did not believe that Mr. Miller would have been allowed to speak to Ms. Ware during the investigation.¹¹⁶ The court found Detectives O'Brien and Halloran had used legitimate investigative techniques and that Mr. Miller's confession was voluntary and not the result of coercion, and denied Mr. Miller's motion to suppress.¹¹⁷

(b) Trial

Following a jury trial in the Circuit Court of Cook County, Mr. Miller was found guilty of first-degree murder, with the jury specifically finding that Mr. Miller personally fired the gun that killed Yolanda Castillo. Relevant to Mr. Miller's TIRC petition, Ms. Ware offered testimony at trial which is summarized below.

(i) Testimony of Crystal Ware

Crystal Ware was called to testify at Mr. Miller's trial as a witness for the State. She was Mr. Miller's girlfriend in September 2001 and they had two children together.¹¹⁸ At that time she lived with Mr. Miller and his mother.¹¹⁹ On September 7, 2001, Ms. Ware was a passenger in one of the vehicles involved in the drive-by shooting of Ms. Castillo.¹²⁰ She did not personally see Mr. Miller get into any of the vehicles involved in the shooting nor did she see him ever holding a gun.¹²¹ She did testify, however, that it was her understanding that Mr. Miller was supposed to be

¹⁰⁸ *Id.* at H-29 (TCROP 0191).

¹⁰⁹ *Id.* at H-34-35 (TCROP 0196-0197).

¹¹⁰ *Id.* at H-54 (TCROP 0216).

¹¹¹ *Id.* at H-50 - 52 (TCROP 0212-0214).

¹¹² *Id.* at H-50 - 51 (TCROP 0212-0213).

¹¹³ *Id.* at H-51 (TCROP 0213).

¹¹⁴ *Id.*

¹¹⁵ *Id.* at H-52 (TCROP 0214).

¹¹⁶ *Id.* at H-53 (TCROP 0215).

¹¹⁷ *Id.* at H-54 (TCROP 0216).

¹¹⁸ Ware Trial Testimony at M112 (TCROP 0771).

¹¹⁹ *Id.*

¹²⁰ *Id.* at M119 - M120 (TCROP 0778-0779).

¹²¹ *Id.*

in one of the vehicles involved in the shooting.¹²² Shortly after the shooting she saw police arrest Mr. Miller.¹²³

The next time Ms. Ware saw Mr. Miller was the evening of September 9 at the police station.¹²⁴ Ms. Ware testified that two police detectives told her that if Mr. Miller didn't confess to the Castillo shooting they could take her kids away from her and send her to jail for accessory to murder.¹²⁵ The detectives then placed Ms. Ware in a room alone with Mr. Miller for approximately 5 minutes.¹²⁶ She told Mr. Miller that he should confess or she could get charged with murder and their children would be taken away.¹²⁷ Ms. Ware stated that she was only allowed to say a few words to Mr. Miller and give him a hug before the detectives rushed her out.¹²⁸

(ii) Stanley Miller

Miller did not testify at his trial.

(c) Appeal

Following Mr. Miller's jury trial he filed an appeal challenging, among other things, the trial court's denial of his motion to suppress his videotaped confession.¹²⁹ Mr. Miller's appeal brief was not part of his Circuit Court file. The appellate court's order, however, outlines Mr. Miller's factual allegations regarding coercion. Mr. Miller argued the trial court erred in denying his motion based on his 55 hour detention in a windowless room and because he was choked by the police, did not sleep, was not fed more than two meals, was not allowed to use the restroom, and gave the statement only after police threatened to charge his pregnant girlfriend with murder and take away her child.¹³⁰

The appellate court considered Mr. Miller's allegations and testimony from the motion to suppress hearing.¹³¹ Based on the totality of circumstances the appellate court found the denial of Mr. Miller's motion to suppress his videotaped confession was not in error.¹³²

(d) Petition for Post-Conviction Relief

Mr. Miller filed a petition for post-conviction relief shortly after his appeal was denied arguing that his trial counsel erred when he chose not to call Ms. Ware as a witness at the motion to suppress hearing.¹³³ In his brief, Mr. Miller again reiterated that he only confessed after he

¹²² *Id.*

¹²³ *Id.* at M118 (TCROP 0777).

¹²⁴ *Id.* at M123 (TCROP 0782).

¹²⁵ *Id.* at M123–124 (TCROP 0782-0783).

¹²⁶ *Id.*

¹²⁷ *Id.*

¹²⁸ *Id.*

¹²⁹ Ex. 4, 03/23/2006 Appellate Ct. Order at 1.

¹³⁰ *Id.* at 2.

¹³¹ *Id.* at 2–4.

¹³² *Id.* at 4.

¹³³ Ex. 5, 01/26/2007 Brief in Support of Petition for Post-Conviction Relief at 1.

spoke to Ms. Ware in the interrogation room alone.¹³⁴ He explained that Ms. Ware told him that if he did not confess to the murder she would be charged as an accessory to murder and lose custody of their children.¹³⁵ Mr. Miller did not discuss the allegations of choking, sleep deprivation, or verbal threats from Detective Halloran, but those issues were not relevant to this petition.

Mr. Miller's petition was dismissed.¹³⁶ The court considered the fact that Ms. Ware was not called to testify at the motion to suppress hearing but found that this decision did not amount to ineffective assistance of counsel.¹³⁷

(e) Motion for Leave to File a Successive Petition for Post-Conviction Relief

Mr. Miller filed a motion for leave to file a successive petition for post-conviction relief.¹³⁸ In his motion, Mr. Miller again sought to challenge his videotaped confession because of coercion by Detectives O'Brien and Halloran.¹³⁹ He argued that he was held in an interrogation room for over 55 hours and was threatened and choked by Detective Halloran.¹⁴⁰ Mr. Miller also stated that he was only fed once while in custody, had no sleep, was denied a request for a lawyer, was not allowed to use a bathroom, and Detectives O'Brien and Halloran threatened to charge Ms. Ware for murder and take away their children.¹⁴¹ Mr. Miller's motion also raised the fact that a recent Chicago Tribune article showed Detective Halloran had tortured other suspects into confessing while working under Detective Jon Burge and that this corroborated his story.¹⁴² It is unclear from Mr. Miller's court file whether this motion to file a successive petition was granted.

4. TIRC Proceeding

(a) Claim Forms

Mr. Miller first filed a claim with TIRC on November 14, 2011.¹⁴³ In his initial claim, he alleged that Detective Halloran choked him until he could no longer breathe. He further claimed that he was fed only once, that he was not allowed to use the restroom and had to go in a Styrofoam cup, and that Detective Halloran told him that if he fell asleep he was going to "fuck me up."¹⁴⁴ Mr. Miller also alleged that Detective Halloran threatened he would take his kid away and lock up Ms. Ware if he did not confess to the crime.¹⁴⁵

¹³⁴ *Id.* at 3.

¹³⁵ *Id.*

¹³⁶ Ex. 6, 03/23/2007 Order at 6.

¹³⁷ *Id.*

¹³⁸ Ex. 7, 04/20/2012 Motion for Leave to File Successive Petition for Post-Conviction Relief at 1.

¹³⁹ *See id.* at 2–3.

¹⁴⁰ *Id.*

¹⁴¹ *Id.*

¹⁴² *Id.* at 3–4.

¹⁴³ Ex. 1, 11/14/11 S. Miller TIRC Claim Form.

¹⁴⁴ *Id.*

¹⁴⁵ *Id.*

Mr. Miller filed a second claim form with TIRC on December 4, 2016.¹⁴⁶ Mr. Miller's second claim form contained allegations similar to his first. He claimed that on September 8, 2001 Detective Halloran came into his interrogation room by himself and choked him when Mr. Miller said that he didn't know anything about the crime.¹⁴⁷ Mr. Miller stated that while he was being choked he was crying and could not breathe.¹⁴⁸ He further alleged in the second claim form that he asked for a lawyer and that Detective Halloran told him he wasn't getting one.¹⁴⁹ Detective Halloran also told Mr. Miller that if he fell asleep in the interrogation room he was going to "fuck me up."¹⁵⁰ Mr. Miller alleged that he was not given food, wasn't able to sleep, and wasn't given bathroom privileges which forced him to urinate in a Styrofoam cup.¹⁵¹ Mr. Miller's second claim form finally alleged that Ms. Ware was brought into his interrogation room and that the detectives threatened to lock her up and take her kids away if Mr. Miller did not confess to the crime.¹⁵² According to Mr. Miller, due to the choking and threats he gave an inculpatory statement.¹⁵³

(b) Interview by TIRC¹⁵⁴

On December 9, 2019, Mr. Miller was interviewed by representatives from TIRC regarding his pending claim. Mr. Miller's attorney, Karen Ranos, was also present. In the interview, Mr. Miller stated that he was arrested on the evening of September 7, 2001 and was immediately taken to Area 1 homicide. Shortly after arriving to Area 1, Mr. Miller met Detectives O'Brien and Halloran for the first time. He stated that Detectives O'Brien and Halloran did not read him his Miranda rights and that when he requested an attorney Detective Halloran stated that he would get one later once Mr. Miller arrived to "lock up." Mr. Miller was kept in a small, windowless room that contained only a metal bench. Mr. Miller stated that his right hand was handcuffed to a bar on the metal bench for the duration of his time in the interrogation room at Area 1. There was no clock in the interrogation room. Mr. Miller stated he received a meal and soda from McDonald's on the evening of September 7, but did not receive any additional food or water until after his confession on the morning of September 10.

Mr. Miller stated that Detectives O'Brien and Halloran came in and out of the interrogation room throughout the evening of September 7 and the morning of September 8. During this time the detectives questioned Mr. Miller regarding his involvement in the Castillo shooting. Mr. Miller denied any involvement in the shooting and offered various alibi witnesses. According to Mr. Miller, Detective Halloran came into the interrogation room alone at various points in the morning of September 8 and told him that he was getting "tired of his shit" and that if Mr. Miller did not confess Detective Halloran would "fuck him up." During one of Detective Halloran's visits, Mr. Miller stated that Detective Halloran put his hands around Mr. Miller's neck and choked him for a few seconds. Mr. Miller stated that the only times Detective Halloran verbally threatened him or choked him were when Detective Halloran visited the interrogation room alone—Mr. Miller

¹⁴⁶ Ex. 8, 12/4/16 S. Miller TIRC Claim Form.

¹⁴⁷ *Id.*

¹⁴⁸ *Id.*

¹⁴⁹ *Id.*

¹⁵⁰ *Id.*

¹⁵¹ *Id.*

¹⁵² *Id.*

¹⁵³ *Id.*

¹⁵⁴ *Hear Exs. 11 & 12: December 9, 2019 audio recordings of TIRC interview with Stanley Miller, Parts I & II.*

was not threatened or attacked when Detectives O'Brien and Halloran were in the room together. Additionally, while Detectives O'Brien and Halloran were questioning Mr. Miller in the evening of September 7 and morning of September 8, Mr. Miller stated that he asked to use the bathroom on numerous occasions. The detectives would not let him use the bathroom and instructed him to use the Styrofoam cup he received from McDonald's.

Mr. Miller stated that at some point on September 8 Detectives O'Brien and Halloran stopped coming into the interrogation room and that he was largely left alone until late in the day September 9. During this time, individuals would open the door to check on Mr. Miller but did not say anything to him. Mr. Miller stated that he would ask the individuals for food and water and to use the bathroom, but that they did not respond. According to Mr. Miller detectives O'Brien and Halloran returned at some point in the evening of September 9 and brought his girlfriend, Crystal Ware. The detectives told Mr. Miller that if he did not confess to the Castillo shooting they would charge Ms. Ware with murder and give their kids over to the State. Mr. Miller stated that the detectives briefly allowed Ms. Ware into the interrogation room alone to talk with Mr. Miller. Ms. Ware told him that Detectives O'Brien and Halloran told her that if Mr. Miller did not confess to the shooting she was going to jail and their kids would be taken. Mr. Miller stated that after he spoke to Ms. Ware he decided to confess to the shooting. When asked why he stated in the videotaped confession that he had received food, was able to use the bathroom, and that the confession was not coerced, Mr. Miller stated that if he did not say those things he assumed Detectives O'Brien and Halloran would have charged Ms. Ware with murder.

After the videotaped confession, Mr. Miller stated that he was taken to Cook County Jail. During intake, Mr. Miller stated that he received a medical examination and told the medical examiner that he had asthma and had been choked while in custody.¹⁵⁵ Mr. Miller stated that he did not recall telling anyone else at the jail that he had been choked by Detective Halloran.

¹⁵⁵ A subpoena for Mr. Miller's medical records was served on Cermak Health Services in January 2020. Cermak responded in February 2021 that it could find no records in its possession related to Mr. Miller, and that to the extent any records had existed, they would have been destroyed subject to Cermak's 10-year document retention policy.

5. Pattern and Practice Evidence/Credibility Considerations

Detectives O'Brien and Halloran have had over 60 formal complaints filed against them.¹⁵⁶ Illinois courts have also observed that Detectives O'Brien and Halloran have numerous allegations of torture pending against them in litigation which involve physically coercing a confession.¹⁵⁷ Examples of complaints with violent or psychological components include:

James O'Brien

- Punched a suspect in the chest during an investigation and refused to let him go to the bathroom;¹⁵⁸
- While a suspect was handcuffed in an interview room, struck him across the face, grabbed him by the neck, pushed him against a wall, and punched him in the stomach;¹⁵⁹
- Kicked a suspect in the head and body during an arrest;¹⁶⁰
- Slapped a suspect in the face multiple times during an investigation and struck the suspect with a phone book;¹⁶¹
- Choked, kneed, and slapped a suspect during an investigation;¹⁶²
- Punched a suspect during an investigation and pulled on his fingers, calling him a "motherfucker;"¹⁶³
- Grabbed, shook, and choked a suspect during an investigation to obtain a confession.¹⁶⁴

¹⁵⁶ See Ex. 9, Summary of Complaints against James O'Brien (33 complaints); Ex. 10, Summary of Complaints against John Halloran (31 complaints).

¹⁵⁷ See, e.g., *People v. Pittman*, 2015 IL App (1st) 132727-U, ¶ 22 (citing *People v. Taylor*, 2015 IL App (1st) 123470, ¶ 48 and *People v. Weathers*, 2015 IL App (1st) 133264, ¶ 14).

¹⁵⁸ See Ex. 9, Summary of Complaints against James O'Brien (CR #1022647).

¹⁵⁹ See *id.* (CR #235801).

¹⁶⁰ See *id.* (CR #171680).

¹⁶¹ See *id.* (IPRA #1046501).

¹⁶² See *id.* (CR #193475).

¹⁶³ See *id.* (CR #208498).

¹⁶⁴ See *id.* (IPRA #1028607).

John Halloran

- Struck a suspect in the stomach with a phone book during an interrogation, placed a plastic garbage bag over his head, and threatened to arrest his girlfriend and take away her children if he didn't confess;¹⁶⁵
- Verbally threatened and choked a suspect during an interrogation at Area 1;¹⁶⁶
- Hit, choked, and threatened the family of a suspect during an interrogation;¹⁶⁷
- Punched and kicked a suspect during an interrogation in order to secure a confession;¹⁶⁸
- Slapped a suspect, pulled his braids, and pulled his fingers back during an interrogation;¹⁶⁹
- Slapped his wife during a domestic dispute.¹⁷⁰

Standard of Decision

Section 40(d) of the Illinois if Torture Inquiry and Relief Act permits the Commission to conduct inquiries into claims of torture. *See* 775 ILCS 40/40(d).

“‘Claim of torture’ means 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 (emphasis added).

If five or more Commissioners conclude by a preponderance of the evidence that there is sufficient evidence of torture to merit judicial review, the case shall be referred to the Chief Judge of Circuit Court of Cook County. If fewer than five Commissioners conclude by a preponderance of the evidence that there is sufficient evidence of torture to merit judicial review, the Commission shall conclude there is insufficient evidence of torture to merit judicial review.¹⁷¹

The Commission was not asked by the General Assembly to conduct full, adversarial, evidentiary hearings concerning the likelihood of torture, or even to make a final finding of fact that torture likely occurred. That remains the role of the courts. Instead, the Commission has interpreted Section 45(c) through its administrative rules as not requiring that it be more likely

¹⁶⁵ *See* Ex. 10, Summary of Complaints against John Halloran (CR#251436).

¹⁶⁶ *See id.* (CR #203754, 249042).

¹⁶⁷ *See id.* (CR #208498).

¹⁶⁸ *See id.* (Flewellen v. City of Chicago, et al., 00-C-2709).

¹⁶⁹ *See id.* (IPRA #1009053).

¹⁷⁰ *See id.* (CR #191318); Halloran's wife later withdrew the allegation.

¹⁷¹ *See* 775 ILCS 40/45(c). To dismiss a claim, a minimum of four votes to dismiss are required. *See* 2 Ill. Adm. Code 3500.385(e).

than not that any particular fact occurred, but rather that there is sufficient evidence of torture to merit judicial review.¹⁷²

Conclusion

Mr. Miller's TIRC claim largely hinges on whether his story should be believed over that of Detectives O'Brien and Halloran. Regarding Mr. Miller, his allegations of abuse have remained relatively consistent for over a decade. His claims that he was physically threatened, choked, and not allowed to sleep or use the bathroom have remained consistent throughout his motion to suppress testimony, appeal, petitions for post-conviction relief, two TIRC filings, and his December 2019 TIRC interview. Further, Mr. Miller's allegation that Detectives O'Brien and Halloran threatened to arrest his girlfriend, Crystal Ware, and take away their kids has also remained consistent. Most notably, Ms. Ware corroborated Mr. Miller's account when she testified at his murder trial as a State's witness.

This is not to say that Mr. Miller does not have credibility issues. For example, Mr. Miller could not remember the exact time he was choked by Detective Halloran during the investigation. Mr. Miller's lack of clarity, however, can likely be attributed to the fact that he was being held in a windowless room for over 55 hours and when he was asked about the incident at the suppression hearing it was almost two years after the events in question. The room also did not have a clock. Mr. Miller also stated in his videotaped confession that he was treated fairly and was not threatened during the investigation. Such a response, however, could also be a result of the same torture and intimidation he claims led to his confession in the first place. Finally, Mr. Miller initially offered an alibi to Detectives O'Brien and Halloran that was ultimately refuted by two witnesses. Although these are factors that weigh against Mr. Miller's credibility, on the whole, Mr. Miller's consistent and corroborated allegations of torture outweigh these issues.

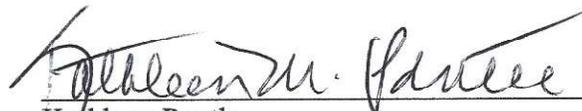
Some of the strongest evidence weighing in favor of Mr. Miller's allegations are the lengthy and consistent histories of complaints against Detectives O'Brien and Halloran regarding psychological and physical torture. Significantly, many of the complaints against the detectives were for behavior that was almost identical to the kind alleged by Mr. Miller, *e.g.*, physical threats, choking, and threatening to charge family members if a suspect did not confess. Ms. Ware's trial testimony also directly contradicted Detectives O'Brien and Halloran's denial of threatening her and her kids. Because Ms. Ware was called as a State's witness to testify against Mr. Miller, and she gave testimony highly unfavorable to Miller, her testimony corroborating his account of her in-custody visit is highly credible. Thus, the significant pattern and practice evidence, and contradiction of Detectives O'Brien and Halloran by Ms. Ware, taken together weighs heavily in favor of discrediting the detectives' testimony.

¹⁷² See 2 Ill. Adm. Code 3500.385(b)(1). In general, the approach the Commission has taken is akin to the concept of "probable cause." That is, there must be enough evidence that the claim should get a hearing in court. See FAQ No. 8, <https://www.illinois.gov/tirc/Pages/FAQs.aspx/>. Note that the Commission is free under its rules, where it chooses, to find that any fact occurred, more likely than not. 2 Ill. Adm. Code 3500.385(b)(2). The Illinois Appellate Court has similarly framed the Commission's duties: "[T]he Commission is asked to determine whether there is enough evidence of torture to merit judicial review, the circuit court is asked to determine whether defendant has been tortured. These are two different issues determined by two different entities. * * * What the Commission did was analogous to finding that a post-conviction petition could advance to the third stage." *People v. Christian*, 2016 IL App (1st) 140030, ¶ 95, 98.

Given Mr. Miller's repeated, relatively consistent complaints about the abuse, corroboration of many of the details of his story by Ms. Ware, and strong reason to distrust Detectives O'Brien and Halloran's accounts, there is sufficient credible evidence of torture meriting judicial review of this case.

The Commission therefore concludes that there is sufficient evidence of torture to conclude by a preponderance of the evidence that the Claim merits judicial review and instructs its Executive Director to refer the claim to the Chief Judge of Cook County for further review, and to file its written findings and conclusion with the court and to notify all relevant parties of its decision. This determination shall be considered a final decision of an administrative agency for purposes of administrative review.¹⁷³

Date: August 18, 2021


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

¹⁷³ See 775 ILCS 40/55(a) of the TIRC Act. 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 (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.