

BEFORE THE ILLINOIS TORTURE INQUIRY AND RELIEF COMMISSION

In re:
Claim of Xavier Walker

TIRC No. 2011.146-W
(Relates to Cook County Circuit
No. 00-CR-20601)

SUMMARY DISMISSAL

Pursuant to section 40(a) of the Illinois Torture Inquiry and Relief Act (“TIRC Act,” 775 ILCS 40/40(a)), the Commission summarily dismisses this Claim.

1. Claimant Xavier Walker submitted a claim form alleging his June 22, 2004 conviction for the May 13, 2000 murder of Marek Majdak was the product of a tortured confession. His claim form¹ alleged that Area 4 detectives beat and kicked him to induce him to give a videotaped confession to the murder. The allegations largely resembled the pre-trial motion to suppress his attorney filed on January 24, 2001.²
2. According to Cook County Circuit Court records, Walker, through normal post-conviction procedures, had his conviction vacated on July 17, 2018. Walker was granted a new trial and in 2019 again moved to suppress his confession.³ On December 11, 2019, the Cook County State’s Attorney’s Office dropped all remaining charges against Walker.
3. TIRC staff confirmed through direct correspondence with the Cook County State’s Attorney’s Office that Walker’s conviction in this case has been vacated and all charges have been dropped.⁴
4. The Commission has not yet conducted any significant inquiry into Mr. Walker’s allegations and has had no opportunity to assess their merits.

ANALYSIS

Section 5(1) of the TIRC Act states that “‘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**[.]” (Emphasis added).

¹ See Xavier Walker Claim Form.

² See *People v. Walker*, Motion to Suppress (Jan. 24, 2001).

³ See Certified Statement of Disposition, *People v. Walker*, 00-CR-20601(01).

⁴ See February 4, 2021 email from Cook County State’s Attorney’s Office confirming charges have been dropped.

Section 40(a) of the TIRC Act provides that the “Commission may informally screen and dismiss a case summarily at its discretion.”

The charges against Mr. Walker were dropped on December 11, 2019. Consequently, Mr. Walker no longer stands convicted of the crime at issue.

The Commission finds that Mr. Walker’s claim does not meet the definition of “claim of torture” in Section 5(1) of the TIRC Act because there is currently no felony conviction to provide the basis for jurisdiction.

The Commission summarily dismisses Mr. Walker’s claim, and instructs its Executive Director to notify Mr. Walker of the dismissal and his right to judicial review under the Illinois Administrative Review Law.

Dated: February 17, 2021

Robert Loeb
Commissioner chairing 2/17/2021 meeting
Illinois Torture Inquiry and Relief Commission