

## BEFORE THE ILLINOIS TORTURE INQUIRY AND RELIEF COMMISSION

In re:  
Claim of Gregory Johnson

TIRC No. 2013.147-J  
(Relates to Cook County Circuit  
Court No. 99-CR-03440(01))

### 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. On or about June 3, 2013, Mr. Gregory Johnson submitted a claim form to the Commission alleging Detective J. Roberts, Detective J. Evans, and others within the Chicago Police Department placed a plastic bag over his head; beat his wrists; placed a gun in his mouth; kned him in the groin; and placed telephone books over his hands, knees, and head and then struck the phone book with a black flashlight.<sup>1</sup> Mr. Johnson further alleged in materials accompanying his claim form that two witnesses who testified against him at trial were coerced by police into doing so.
2. Mr. Johnson did not allege that his torture resulted in him making any incriminating statements to police or prosecutors.<sup>2</sup> Further, transcripts of his two-day bench trial confirm that no statement of Johnson's was introduced at trial and therefore no self-incriminating statements were used to convict him.<sup>3</sup> The Assistant State's Attorney, in delivering his closing argument, explicitly stated, "Gregory Johnson never gives a statement."<sup>4</sup> TIRC staff therefore wrote to Johnson on January 6, 2021, to inform him it likely had no jurisdiction over his claim and of its intent to dismiss his claim based on currently available information.<sup>5</sup> The letter encouraged Mr. Johnson to write to the Commission if staff was mistaken and some statement by Johnson was given and was somehow used to obtain his conviction.
3. The letter was delivered via certified mail on January 11, 2021.<sup>6</sup> As of February 16th, 2021, no response from Mr. Johnson has been received.

### ANALYSIS

The TIRC Act, both before and after it was amended July 29, 2016, by P.A. 99-688, confers jurisdiction on the Commission to investigate Claims of torture. The Act defines "Claim

<sup>1</sup> See Gregory Johnson Claim Form.

<sup>2</sup> *Id.*

<sup>3</sup> See, generally, trial transcripts of February 29, 2000 and March 1, 2000.

<sup>4</sup> See trial transcript of March 1, 2000 at L 85.

<sup>5</sup> See January 6, 2021 Intent-to-Dismiss Letter to G. Johnson from TIRC Attorney Anthony Marin.

<sup>6</sup> See Gregory Johnson Delivery Verification-Intent to Dismiss—1.11.21.

of torture” 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... .” 775 ILCS 40/5(1) (Emphasis added).<sup>7</sup>

Although Mr. Johnson alleges he was tortured, he does not allege that he made any statements to police or that they were used to obtain his conviction.

While the Commission condemns the use of torture or coercion in attempts to obtain any evidence for use in a criminal prosecution, the legislature has not empowered it to investigate torture beyond the narrow parameters quoted above, including witness coercion or torture.

Because Mr. Johnson does not allege his torture resulted in statements to authorities and because no self-incriminating statements obtained thru torture were used to obtain his conviction, the Commission is without jurisdiction to consider his claim.

#### CONCLUSION

The Commission finds that Mr. Johnson’s claim does not meet the definition of “claim of torture” in Section 5(1) of the TIRC Act, and that the Commission is without jurisdiction to consider his claim.

The Commission summarily dismisses Mr. Johnson’s claim and instructs its Executive Director to notify him of the dismissal and of 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

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<sup>7</sup> This wording is identical in both the original Act and the revised version amended by P.A. 99-688, signed into law July 29, 2016.