

BEFORE THE ILLINOIS TORTURE INQUIRY AND RELIEF COMMISSION

In re:
Claim of Tyrone Sanders

TIRC No.: 2019.674-S
(Relates to Cook County
Court No. 87-CR-803)

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. Tyrone Sanders was convicted of the December 25, 1986, murder and rape of Cully Elaine Hunter.¹ Before Sanders’ trial, he filed a motion to suppress² that alleged he was bagged, hit and had a gun pointed at him by detectives working out of Area Three police headquarters at 39th and California. Sanders also testified to the alleged abuse at his trial. The suppression motion was denied, and Sanders was convicted by a jury on May 19, 1989. On June 29, 1989, Judge William Hibbler sentenced Sanders to 75 years in prison.
2. On June 14, 2019, Sanders’ attorney, Andrea Lewis Hartung, filed a torture claim with the Commission alleging substantially the same facts as Sanders’ trial testimony.³
3. On April 14, 2021, Sanders’ attorney, Andrea Lewis Hartung, notified the Commission that Sanders had passed away in early April.⁴

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 shall not consider a claim of torture if the convicted person is deceased,” and the “Commission may informally screen and dismiss a case summarily at its discretion.”

¹ *People v. Sanders*, (1st Dist, 4th Div.) (Aug. 13, 1992) – direct appeal opinion.

² *People v. Sanders*, Defendant’s Motion to Suppress.

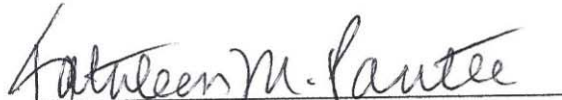
³ Sanders TIRC Claim Filing.

⁴ April 14, 2021 Letter to TIRC from Andrea Lewis Hartung.

Because of Mr. Sanders' death, the Commission no longer has authority under its statute to consider his claim.

The Commission summarily dismisses Mr. Sanders' claim. 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).⁵

Dated: June 16, 2021


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

⁵ 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.