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BEFORE THE ILLINOIS TORTURE INQUIRY AND RELIEF COMMISSION

In re:

Claim of Anthony Brown

TIRC No. 2014.229-B

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 approximately March 25, 2014, Anthony Brown submitted a claim form to the Commission alleging that Area 1 detectives choked, beat, and threatened him with a gun in connection with two murder charges. Brown was convicted of both, as well as one count each of aggravated vehicular hijacking, aggravated criminal sexual assault, and armed robbery. *People v. Brown*, 185 Ill.2d 229, 233 (1999).
2. Section 5(1) of the TIRC Act defines a “Claim of torture” as a claim by a convicted person “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.)
3. Mr. Brown’s claim form states that Chicago Police detectives including Boudreau and Halloran, who both previously worked for Jon Burge, hit, choked, and threatened to shoot him. The claim form also states that the prosecution alleged that Brown had made statements resulting from his interrogation. Mr. Brown checked a box, however, indicating that no statement made by him as a result of the alleged torture was introduced at trial.
4. Neither the Illinois Supreme Court direct appeal decision affirming Mr. Brown’s conviction, *supra*, nor the Appellate Court decision affirming the denial of a post-conviction motion, mentions Brown making any statements to police or those statements being introduced at trial. *See People v. Brown*, 2013 IL App (1st) 091009.¹

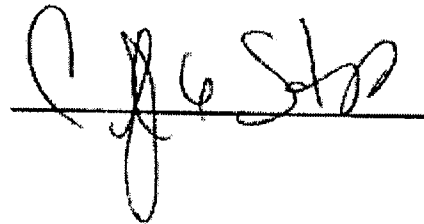
¹ Mr. Brown’s post-conviction petitions appear to have focused on his claim of actual innocence, and his argument that DNA testing performed after his trial supported that claim. Mr. Brown’s co-defendant described sexual assaults by Mr. Brown on the victim. The lab analysis at the time did not find sperm from Mr. Brown – or other male DNA -- in the victim’s body.

In the 2013 appeal, the Appellate Court noted that the DNA analysis showed DNA was present that was likely from the victim’s husband, but did not show DNA from Mr. Brown or a third person. Since the expert testimony at the original trial had been that there was no sperm located from any sexual assault, the Appellate Court’s 2013 opinion viewed the new DNA analysis showing some DNA from the victim’s husband (her regular sexual partner) as inconclusive and not demonstrating Brown’s innocence. The Appellate Court affirmed the Circuit

5. On April 9, 2014 Commission staff wrote to Mr. Brown explaining that it appeared that an allegedly coerced confession had *not* been used to convict him, and that if this were true, the Commission could not consider his claim. Staff invited Mr. Brown to contact the Commission immediately if its understanding of the facts was incorrect. Absent further information, Mr. Brown was advised that his claim would be referred to the Commission for dismissal in 30 days. No response was received.
6. Section 40(a) of the TIRC Act provides that the “Commission may informally screen and dismiss a case summarily at its discretion.”

The Commission finds that the alleged torture referred to by Mr. Brown in his claim did not result in a confession which was used to convict him. Accordingly, his claim does not meet the definition of “Claim of torture” in Section 5(1) of the TIRC Act and the Commission is without jurisdiction to consider his claim.

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

A handwritten signature in black ink, appearing to read "Cheryl Starks", written over a horizontal line.

Dated: September 17, 2014

Cheryl Starks
Chair
Illinois Torture Inquiry and Relief Commission