

BEFORE THE TORTURE INQUIRY AND RELIEF COMMISSION

FILED

JUN 21 2012

DOROTHY BROWN  
CLERK OF CIRCUIT COURT

In re:

Claim of John Knight

TIRC Claim No. 2011.005-K

CASE DISPOSITION

Pursuant to 775 ILCS 40/45(c) and 2 Ill. Adm. Code 3500.385(c), it is the decision of the Commission that there is not sufficient evidence of torture to conclude that the Claim is credible, and therefore it does not merit judicial review. This decision is based upon the Findings of Fact and Conclusions set forth below, as well as the supporting record attached hereto.

Findings of Fact

1. Claimant John Knight ("JK") alleges that in 1996 at the Area 2 Chicago Police station he was choked "within minutes of passing out", was the target of a game of Russian roulette, and was slapped and threatened with being kicked, as set forth in his Claim Form attached as Exhibit A.

2. JK made a motion to suppress his confession in his criminal case, but the written motion, attached as Exhibit B, does not allege any of the facts contained in his Claim Form. JK testified at the hearing on the motion but he complained only of being denied the right to call a lawyer. He did not mention anything about being choked or any of the other allegations in his Claim Form.

3. JK testified at trial but again mentioned nothing about physical coercion in obtaining the confession, other than a vague reference to a "bunch of threats".

4. JK filed a post-conviction petition in 2002, but did not raise a coercion claim.

5. JK filed another post-conviction petition in 2004 and once more made no mention of coercion in obtaining his confession.

6. JK is not mentioned in the Report of the Special State's Attorney, nor did he file a complaint with the Chicago Police Department.

7. The TIRC Claim Form filed in 2011 is the first time JK has raised this claim, 15 years after the alleged occurrence.

8. JK was interviewed regarding his failure to ever raise the claim before, and he stated that his lawyer instructed him not to raise it because it could not be proven.

9. The lawyer was interviewed about what JK said. The lawyer stated that, while he could not recall every conversation he had with JK, his practice would have been to raise the claim if JK had told him about it. The lawyer pointed out that, particularly at the motion stage of the case, there would be no reason to forego raising it. He also noted that this is a 1996 case, at which point the earlier Area 2 practices were no longer a secret, which would provide more incentive to raise the claim. The lawyer was very cooperative and very credible.

10. JK's Claim is not corroborated in any way.

11. JK was given the opportunity to supplement his filing with the TIRC with anything that might support his Claim but nothing was received.

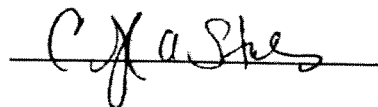
### Conclusions

1. JK's Claim is subject to dismissal pursuant to 2 Ill. Adm. Code 3500.360 because there is no reasonable possibility that the Claim is credible.

2. There is no evidence of torture other than JK's Claim Form, and that is not credible because it was filed 15 years later.

3. There is no other apparent avenue of investigation or corroboration.

Dated: June 21, 2012

A handwritten signature in cursive script, appearing to read "C. Starks", written over a horizontal line.

Cheryl Starks  
Chair  
Illinois Torture Inquiry and  
Relief Commission

**EXHIBIT A:**

**TIRC Claim Form of John Knight**

**STATE OF ILLINOIS**  
**Torture Inquiry and Relief Commission**

**FORM TO FILE CLAIM OF TORTURE WITH ITIRC**

1. Name and current address of person claiming to have been tortured:

John Knight #1483763  
STATEVILLE CORR CTR RT 53 P.O. BOX 112  
JOLIET, IL 60434.

2. Name and current address of person signing this Form (if different than No. 1 above):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Details of Claimant's felony conviction based upon allegedly tortured confession:

a. Circuit Court: COOK COUNTY CIRCUIT COURT Judge V. Baughn  
b. Year: JUNE 6, 2000  
c. Crime(s) of Conviction: 2 counts 1<sup>st</sup> Degree Murder  
d. Sentence: NATURAL LIFE  
e. Case Number (if known): NO: 96 CR 19599 02

4. Details of alleged torture:

a. Law enforcement agency: Chicago Police Department  
b. Date(s): MAY 25 1996  
c. Names of persons committing alleged torture: Det. Michael McDermott

d. Brief description of alleged torture: I was slapped, choked to within minutes of passing out, threatened of being killed, Had a gun put to my head and the trigger pulled several times.

5. Names and current addresses of persons who could support your Claim:

- a. Vietta Knight Jones 14239 S. Emerald Riverdale IL 60527
- b. Kimberly Head - Address unknown.
- c. \_\_\_\_\_
- d. \_\_\_\_\_
- e. \_\_\_\_\_

6. Location of documentation supporting your Claim: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dated: MAY 8, 2011

John Wright  
Claimant or Person Signing on Claimant's Behalf

RECEIVED  
MAY 10 2011  
TORTURE INQUIRY AND  
RELIEF COMMISSION  
HD ISPS - FX MM

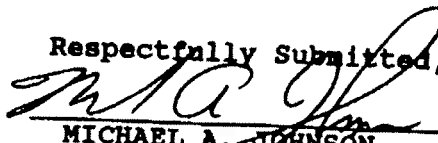
EXHIBIT B:

John Knight's written Motion to Suppress Statements



WHEREFORE, the defendant prays that the Court suppress as evidence any and all confessions, statements, or admissions, whether inculpatory or exculpatory, written or oral, made by him at the time of and/or subsequent to his being taken into custody.

Respectfully Submitted,

  
MICHAEL A. JOHNSON

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