

BEFORE THE ILLINOIS TORTURE INQUIRY AND RELIEF COMMISSION

In re:
Claim of Hector Mercado

TIRC No.: 2012.113-M
(Relates to 97-CR-23111)

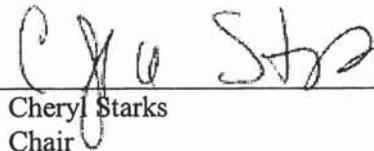
SUMMARY DISMISSAL

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 May 13, 2016, the Commission obtaining signed waivers from claimant Hector Mercado and interviewed him about his claim of torture. Mercado claimed that he was tortured into a confession at Area 1 to the murder of Audrey V. Klimawicze. Mr. Mercado and Audrey A. Klimawicze (the victim's daughter) were convicted of the elder Ms. Klimawicze's August 1997, murder.
2. Mr. Mercado had alleged to the Commission and in 1999 suppression-motion testimony that he had been kicked, slapped, choked and punched before giving a confession to Audrey V. Klimawicze's murder.¹
3. On September 20, 2017, the Commission received written confirmation from the Illinois Department of Corrections Chief Legal Counsel that Mr. Mercado passed away in January of 2017.²
4. Section 40(a) of the TIRC Act states that "[t]he Commission shall not consider a claim of torture if the convicted person is deceased" and that "[t]he Commission may informally screen and dismiss a case summarily at its discretion."

Because Mr. Mercado is deceased, the Commission no longer has jurisdiction to consider his claim and hereby summarily dismisses it.

Dated: November 15, 2017



Cheryl Starks
Chair

Illinois Torture Inquiry and Relief Commission

¹ See Mercado's TIRC claim form; see also *People v. Mercado*, Testimony of Hector Mercado, ROP May 5, 1999.

² See September 20, 2017 e-mail from IDOC Chief Legal Counsel Camile Lindsay.