

BEFORE THE ILLINOIS TORTURE INQUIRY AND RELIEF COMMISSION

In re:
Claim of Ray T. Overton

TIRC No. 2018.556-O
(Relates to Sangamon County Circuit
Court Case No. 90-CF-652)

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 January 5, 2018, Mr. Ray T. Overton submitted a claim form to the Commission alleging that an interrogating detective threatened physical abuse unless he confessed to a murder. Overton further alleged the detective then misled Overton, who had trouble reading, into believing he was signing an exculpatory statement.¹
2. Overton was convicted in the Sangamon County Courts of the September 10, 1990, murder of 18-year-old Paul Babcock.² Overton is serving a 90-year sentence.³
3. Prior to Overton filing a claim, he wrote to TIRC staff on November 7, 2017, describing the details of his claim.⁴
4. On November 22, 2017, TIRC’s executive director wrote Overton and informed him that, because Overton was not convicted in the Cook County Circuit Court, TIRC had no jurisdiction over his claim. The letter cited the Commission’s opinion in *In re: Claim of Ernest Hubbard*,⁵ which outlined the Commission’s reasons for believing it has no jurisdiction in such cases. The letter noted Overton could still file a claim if he wished and appeal any possible Commission dismissal should it occur.⁶
5. After further correspondence, Mr. Overton submitted the above-referenced claim.

¹ The claim details raise the question of whether the alleged coercion constitutes torture under the TIRC Act and its Administrative Rules. However, the Commission makes no determination on this question in dismissing Mr. Overton’s claim.

² See *People v. Smith*, 236 Ill.App.3d 812, 814 (1992) (Smith was a co-defendant of Overton).

³ See *Illinois Department of Corrections Internet Inmate Status; Overton, Ray T.*

⁴ See Letter from Paul Cieslowski dated January 31, 2017.

⁵ See *In re: Claim of Ernest Hubbard*, Decided September 21, 2016, available at <https://www.illinois.gov/tirc/Documents/Ernest%20Hubbard%20SUMMARY%20DISMISSAL%20ORDER--FINAL,%20SIGNED.pdf>.

⁶ See Letter from TIRC Executive Director Rob Olmstead to Ray Overton (November 22, 2017).

ANALYSIS

The TIRC Act empowers the Commission to investigate a “Claim of torture”. 775 ILCS 40/10. A “Claim of torture” is defined 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 40/1) (Emphasis Added).

As more fully outlined in the Commission’s decision in *In re: Claim of Ernest Hubbard*, the TIRC Act words, “occurring within a county of more than 3,000,000 inhabitants” means that “the felony conviction at issue in the Claim of torture occurred in the courts of a county of more than 3,000,000 inhabitants.”⁷ In Illinois, only Cook County exceeds 3,000,000 inhabitants.

Such a definition excludes any possible jurisdiction by the Commission over Overton’s Sangamon County conviction.

CONCLUSION

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



Dated: January 17, 2018

Cheryl Starks
Chair
Illinois Torture Inquiry and Relief Commission

⁷ See *In re: Claim of Ernest Hubbard*, 7 (Decided September 21, 2016). See also 20 Ill. Admin. Code 2000.10 (effective March 17, 2017), adopting this definition in the Commission’s Administrative Rules.