

BEFORE THE ILLINOIS TORTURE INQUIRY AND RELIEF COMMISSION

In re:
Claim of Richie L. Cole

TIRC No. 2016.269-C
(Relates to Cook County
Circuit No. 1984C00570402)

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. In a letter postmarked May 12, 2015, Richie L. Cole wrote a letter to the Commission seeking assistance. Mr. Cole alleged Detectives Vic Switsky and Ralph Vucko of Area 4 in Chicago physically coerced him into a confession to murder. Mr. Cole's letter indicated that his initial conviction had later been reversed.
2. On May 15, 2015, Commission staff wrote Mr. Cole, declining to accept any claim because the claim period had closed on August 10, 2014.
3. On November 7, 2016, in light of Public Act 99-0688, the Commission wrote to Mr. Cole and indicated that the claim period had been reopened and, once administrative rules passed, his claim could be revived. On July 24, 2017, pursuant to the Commission's administrative rules, staff wrote to Mr. Cole, assigning him a claim number and automatically reinstating his claim under 2 Ill. Admin. 3500.330(b)(1). Staff requested further information from Mr. Cole to help facilitate screening of his claim, but received no response. A similar letter to Mr. Cole in January, 2018, also received no answer.
4. A review of Circuit Court Clerk records shows that Mr. Cole was charged with murder and rape in Circuit Court Case No. 1984C00570402. An appellate opinion, *People v. Cole and Holman*, 168 Ill. App. 3d 172 (1988) indicated that Mr. Cole's conviction was overturned because there was no probable cause for his arrest. It also indicated that at his suppression hearing, Mr. Cole testified that he had been punched in the face during his interrogation. The opinion vacated his conviction and ordered that a retrial take place without use of his statement. The docket for Mr. Cole's case indicates that on March 8, 1989, the state dropped all charges against Mr. Cole.

FILED
MARCH 2
1989
CIRCUIT COURT
CLERK

ANALYSIS

The Illinois Torture Inquiry and Relief Act empowers the Commission to investigate Claims of Torture, which the Act defines as:

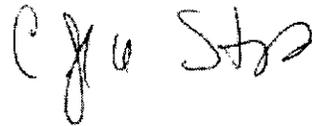
* * * a claim on behalf of a living person *convicted of a felony* in Illinois asserting that he was tortured into confessing to *the crime for which the person was convicted* and the tortured confession was *used to obtain the conviction* and for which there is some credible evidence related to allegations 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 may informally screen and dismiss a case summarily at its discretion.”

Mr. Cole’s letter to Commission staff and the court docket for the case in which he is claiming torture indicate that his conviction in this matter was ultimately vacated and the charges dropped. Accordingly, the Commission finds that Mr. Cole’s claim does not meet the definition of “claim of torture” under the TIRC Act because there was no conviction, and the Commission is therefore without jurisdiction in this matter.

The Commission summarily dismisses Mr. Cole’s claim and instructs the Executive Director to notify Mr. Cole of the dismissal and his right to judicial review under the Illinois Administrative Review Law. 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).¹

Dated: December 18, 2018



Cheryl Starks
Chair
Illinois Torture Inquiry and Relief Commission

¹ 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.