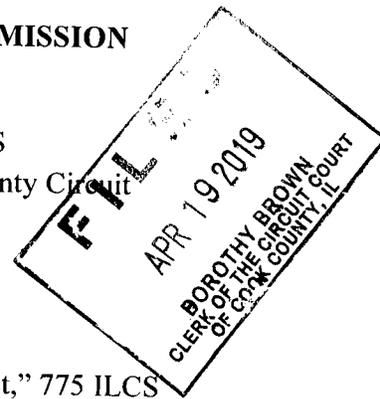


BEFORE THE ILLINOIS TORTURE INQUIRY AND RELIEF COMMISSION

In re:
Claim of Alonzo Smith

TIRC No. 2013.150-S
(Relates to Cook County Circuit
No. 83-CR-769)



SUMMARY DISMISSAL

Pursuant to section 40(a) of the Illinois Torture Inquiry and Relief Act ("TIRC Act," 775 ILCS 40/40(a)), the Commission summarily dismisses this Claim.

1. On approximately June 7, 2013, Mr. Alonzo Smith submitted a Claim form to the Commission, alleging that on January 21, 1983 and January 22, 1983, while in the custody of the Chicago Police Department, Detectives Byrne and Dignan took him into a basement room at Area 2. Smith alleged that Officers Byrne and Dignan handcuffed him to a chair, hit him with a nightstick, and hit and kicked him. See Petitioner's Supplemental Petition for Post-Conviction Relief, *cited in* Alonzo Smith Claim Form.
2. In his Supplemental Petition, Smith further alleged that Officers Byrne and Dignan put a plastic bag over Smith's head, and that the Officers repeatedly told Smith to "tell the truth," that is, what witnesses had allegedly told the police. See Petitioner's Supplemental Petition for Post-Conviction Relief, *cited in* Alonzo Smith Claim Form.
3. Mr. Smith indicated that, after the treatment alleged in pt. 1, he repeated back what they had been telling him witnesses claimed.
4. Mr. Smith further alleged that the Officers told him to say he was treated well, or he would be brought back to the basement room, and then washed blood off his skin and clothing.
5. On August 3, 1983, Judge Thomas J. Maloney denied Smith's Motion to Suppress Statements.
6. On June 4, 1984, Smith was convicted of homicide.
7. Between his conviction in 1984 and 2015, Smith filed a number of post-conviction motions and appellate claims on due process grounds, in which he maintained his innocence and reaffirmed his claims of torture.

8. In 2015, a Cook County judge found sufficient credible evidence of torture to grant Smith a new trial, after which prosecutors dismissed his case on November 4, 2015.
9. On April 11, 2019, Smith was granted a Certificate of Innocence.

ANALYSIS

Section 5(1) of the TIRC Act states that “‘Claim of torture’ means 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[.]” (Emphasis added).

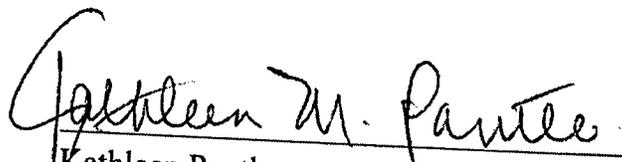
Section 40(a) of the TIRC Act provides that the “Commission may informally screen and dismiss a case summarily at its discretion.”

The charges against Mr. Smith were dismissed on November 4, 2015. Consequently, Mr. Smith was not convicted of the crime to which he confessed.

The Commission finds that Mr. Smith’s claim does not meet the definition of “claim of torture” in Section 5(1) of the TIRC Act, and that the Commission is thus without jurisdiction to consider his claim.

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

Dated: April ¹⁹17, 2019



Kathleen Pantle

Chair

Illinois Torture Inquiry and Relief Commission