

BEFORE THE ILLINOIS TORTURE INQUIRY AND RELIEF COMMISSION

In re:
Claim of Arnold Dixon
(aka James Fletcher)¹

TIRC No. 2019.598-D
(Relates to Cook County
Circuit No. 02-CR-16669)

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. Claimant, Arnold Dixon, was charged in 2002 with the 1990 murder of Willie Sorrell, a bystander who was killed in the crossfire of a robbery attempt gone bad.² He was subsequently convicted of Mr. Sorrell’s murder.
2. On or about November 1, 2018, TIRC received a letter (dated Sept. 29, 2018) from Mr. Dixon alleging “I was framed by two Area 5 detectives * * *.” He also alleged the following:

After my attorney left the police station at Area 5, Detective Jerome Bogucki told me to stand under a height stick. I refused. * * * He pushed me, I pushed him back, then he pulled his weapon and told me to stand under there before he kills me. He also tells me, while his weapon was still pointed at me, I might as well confess, B/cuz both witnesses picked me out of the lineup. I told him I will not confess.³

3. Mr. Dixon filed a claim form with the Commission on December 13, 2018, alleging that detectives threatened him and told him how much time he would get if he did not confess to the murder. Mr. Dixon continued:

So I told them I was thru talking. So Jerome Boguick told me before I left, he drove 4½ hours to get to the prison[,] if I did not sit back, by the time he gets back to the city I would have a ‘body’ (murder)[.] They framed me! The day of the line-up[,] 4-20-02[,] after my attorney left, they tried to get me to stand in another line-up[.] After I refused, Jerome Buguick pushed me and pull his gun out and threaten[ed] me. I still refused. He pushed me again.⁴

¹ Mr. Dixon’s IDOC profile lists him as Arnold Dixon, but he refers to himself as Jimmie Fletcher, Jr. in correspondence, and his appellate opinions are listed under James Fletcher. See *People v. Fletcher*, 2015 IL App (1st) 132459-U.

² See *People v. Gardner*, 2013 IL App (1st) 110341-U. See also, *In re Claim of Charles Stewart*, TIRC Claim No. 2014.244-S, involving a co-defendant of Gardner’s, decided May 16, 2018, available at: <https://www2.illinois.gov/sites/tirc/Documents/2018.5.17%20Determination-STAMPED%20B-W.pdf>.

³ See Letter from Arnold Dixon, dated Sept. 27, 2018, received Nov. 1, 2018.

⁴ See TIRC Claim Form of Arnold Dixon, originally filed incomplete on December 13, 2018, and returned in completed form Jan. 10, 2019.

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DOROTHY BROWN
CLERK OF CIRCUIT COURT

4. However, Mr. Dixon's had left blank the questions on his claim form indicating whether he had made a statement to police, or whether they claimed he had. His claim form was returned to him for completion.
5. On January 10, 2019, the Commission received the completed claim form, on which Mr. Dixon had checked "no" to the question asking whether police and prosecutors claimed he made a statement. He also answered "no" to a question about whether any such statements were introduced at his trial.
6. On January 24, 2019, TIRC staff wrote to Mr. Dixon and accepted his claim for filing, but explained that because he had made no statement used to convict him, his claim was likely outside of the Commission's jurisdiction and would be recommended for dismissal. The letter encouraged him to write if his claim had been misunderstood, or if he had further information indicating he had made a statement or confession.⁵ No response was received.
7. Consistent with Mr. Dixon's letters and claim form in which he indicates he made no statement to police, His December 20, 2007 appellate brief and a February 11, 2016 appellate court opinion make no mention of Dixon ever giving any statement to police, nor of any such statement being used to obtain his conviction. Rather, the records indicate Dixon raised issues with lineup identifications, including that witnesses were coerced by police to identify him, or that the lineups were improper or overly suggestive.

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."

Neither Mr. Dixon's claim form nor his 2007 appellate brief allege he ever gave a statement to police or that any such statement was used to obtain his conviction. Rather, he raises issues with lineups, and claims witnesses were coerced. His letter and claim form do allege his own mistreatment by police, but do not allege such mistreatment led him to make a statement

⁵ See January 24, 2019 letter from TIRC Executive Director Rob Olmstead to Arnold Dixon.

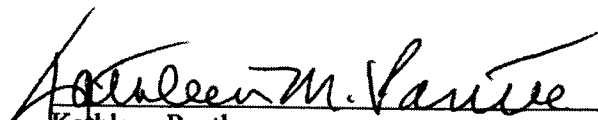
against himself. To the contrary, his claim form affirmatively states he made no such statement, and no such statement was used to obtain his conviction.

The appellate brief allegations that witnesses were coerced is not covered by the TIRC Act.⁶ Moreover, the Commission cannot construe Mr. Dixon's allegation that he was forced to stand in a lineup as any sort of "statement" or "confession."⁷

While the Commission does not condone police misconduct of any kind, the plain language of the TIRC Act limits this Commission's jurisdiction to those instances in which a defendant claims that he was tortured into giving a statement against himself, and that that statement was used to obtain his conviction.⁸

The Commission summarily dismisses Mr. Dixon's claim and instructs the Executive Director to notify Mr. Dixon 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).⁹

Dated: February 22, 2019



Kathleen Pantle

Chair

Illinois Torture Inquiry and Relief Commission

⁶ See *In re: Claim of James Sardin*, TIRC No. 2011.247-S, dismissed by the Commission on June 18, 2014, because Mr. Sardin claimed only a witness, and not himself, was tortured into giving a statement that was used to convict Mr. Sardin. Available at: <https://www2.illinois.gov/sites/tirc/Documents/2014.6.18.SARDIN.dismissal.FILED.pdf>.

⁷ See *In re: Claim of Sherman Morissette*, TIRC No. 2011.008-M, summarily dismissed by the Commission on June 18, 2014 (noting U.S. Supreme Court precedent that "compelling a defendant to participate in a line-up * * * does not violate the defendant's Fifth Amendment privilege against self-incrimination."

⁸ See *In re: Claim of James Sardin*, TIRC No. 2011.247-S, dismissed by the Commission on June 18, 2014, because Mr. Sardin claimed only a witness, and not himself, was tortured into giving a statement that was used to convict Mr. Sardin. Available at: <https://www2.illinois.gov/sites/tirc/Documents/2014.6.18.SARDIN.dismissal.FILED.pdf>. See also

⁹ 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.