

**BEFORE THE ILLINOIS TORTURE INQUIRY AND RELIEF COMMISSION**

In re:  
Claim of Marcus Wiggins

TIRC No. 2016.376-W  
(Relates to Cook County  
Juvenile Petition No. 93-0199<sup>1</sup>)

**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 October 26, 2016, Mr. Marcus Wiggins submitted a Claim form to the Commission alleging that on September 25, 1991, while at Area 3 of the Chicago Police Department, Detectives James O’Brien and Anthony Maslanka subjected him to electroshock in order to secure a confession. *See* Marcus Wiggins claim form.
2. At the time of the alleged torture, O’Brien and Maslanka would have been under the supervision of Area 3 Commander Jon Burge.
3. Mr. Wiggins further indicated on his claim form that he was not convicted of the juvenile charges resulting from the alleged torture.
4. 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** and for which there is some credible evidence related to allegations of torture committed by Commander Jon Burge or any officer under the supervision of Jon Burge.” (Emphasis added).
5. Section 40(a) of the TIRC Act provides that the “Commission may informally screen and dismiss a case summarily at its discretion.”

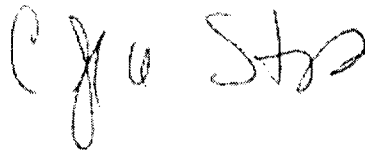
The Commission finds that Mr. Wiggins’s claim does not meet the definition of “claim of torture” in Section 5(1) of the TIRC Act, in that no conviction resulted from the alleged torture, and that the Commission is thus without jurisdiction to consider his claim.

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<sup>1</sup> This case number is the case number supplied by Mr. Wiggins on his claim form. However, the number may or may not be accurate – Mr. Wiggins indicates the alleged torture occurred in 1991.

The Commission makes no findings as to the credibility of Mr. Wiggins' claims in regards to his claims of torture as it relates to Cook County Juvenile Court petition 93-0199 or any other criminal case.<sup>2</sup>

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



Dated: November 16, 2016

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Cheryl Starks  
Chair  
Illinois Torture Inquiry and Relief Commission

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<sup>2</sup> Commission staff was contacted by telephone on November 9, 2016, by Mr. Wiggins' sister, Talitha Wiggins, who asserted that the alleged torture in this juvenile case is relevant to Mr. Wiggins' current incarceration on Cook County Circuit Court Case No. 98-CR-12429(01). Ms. Wiggins was informed that dismissal of this claim would have no effect on any possible claims Mr. Wiggins may or may not wish file in regards to that conviction.