

BEFORE THE ILLINOIS TORTURE INQUIRY AND RELIEF COMMISSION

In re:

Claim of James Hinton

TIRC Claim No. 2011.031-H

CASE DISPOSITION

Pursuant to 775 ILCS 40/45(c) and 2 Ill. Adm. Code 3500.385(c), it is the decision of the Commission that there is not sufficient evidence of torture to conclude that the Claim is credible, and therefore it does not merit judicial review. This decision is based upon the Findings of Fact and Conclusions set forth below.

Findings of Fact

1. Claimant James Hinton (“JH”) alleges that on August 28, 1997, at Area 1 Violent Crimes Detectives Kenneth Boudreau and John Halloran subjected JH to psychological coercion by showing him photographs of two close friends who had been executed that same day by being shot in the face and head. JH also alleges that his mother was threatened when he was told, “it would be a shame if anything happened to that nice old lady”.
2. JH filed a post-conviction petition in 2002, which raised the coercion issue, but said nothing about his mother being threatened.
3. In his TIRC interview JH said that he has a mental disability, but he was unable to describe the nature of it and he has not submitted any medical or psychological records to corroborate his statement. TIRC has subpoenaed his records from Social Security and the Office of the Cook County Public Defender, but no records have been received which show that JH has a mental disability.

Conclusions

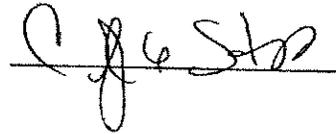
1. Under 20 Ill. Adm. Code 2000.10, “torture” is defined as “any act by which severe pain and suffering, whether physical or mental, is intentionally inflicted on a person

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2011.031-H

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for the purpose of obtaining from that person a confession to a crime”. (emphasis added)

2. Even assuming *arguendo* that the photographs were shown to JH to induce him to confess, in the absence of medical or psychological records demonstrating that JH would be peculiarly susceptible to such a technique, this aspect of JH’s Claim falls short of meeting the definition of “torture” under the Commission’s Rule quoted above. While viewing such photographs could certainly be disturbing, it would ordinarily not amount to severe mental pain and suffering.
3. The preponderance of the evidence does not show that JH’s mother was threatened.

A handwritten signature in black ink, appearing to read "Cheryl Starks", written over a horizontal line.

DATED: July 26, 2013

Cheryl Starks
Chair
Illinois Torture Inquiry and
Relief Commission