

BEFORE THE ILLINOIS TORTURE INQUIRY AND RELIEF COMMISSION

In re:

Claim of Sidney McCray

TIRC Claim No. 2011.088-M

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 Sidney McCray ("SM") alleges that in 1999 at Area 4 Violent Crimes Detective Robert Hartmann, along with David Wright, hit SM in the face and body while SM was handcuffed to a ring on the wall.
2. Before trial SM made a motion to suppress his statement but alleged only the denial of the right to counsel. SM did not testify at the hearing, and his lawyer did not cross-examine any of the prosecution's witnesses regarding coercion in taking the statement. An attorney testified for SM but it did not involve coercion or abuse.
3. SM testified at trial but did not claim any mental or physical coercion. He testified that he admitted to the killing "because I was trying to do anything to get out of the room at that particular time". (Transcript of Proceedings dated November 6, 2003 at 206) He later testified that he confessed because "the officer had say (*sic*) they had evidence that would send me to jail for the rest of my life if I didn't", and "he told me I wouldn't get no more than 20 years if I signed that statement." (*Id.* at 212)
4. SM has not filed any post-conviction petitions alleging coercion or abuse in obtaining the confession. The TIRC claim is the first and only time that allegation has been made.
5. Neither detective appears in the TIRC database, and an internet search did not reveal any background of abuse or coercion allegations.

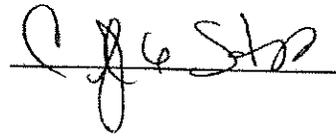
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Conclusions

1. SM has not been consistent in making his claim of coercion; in fact, his TIRC Claim is the first time such an allegation has been made.
2. Neither detective has a history of accusations of abuse or coercion.
3. SM's Claim is not corroborated in any way.

DATED: July 26, 2013

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

Cheryl Starks
Chair
Illinois Torture Inquiry and
Relief Commission