

BEFORE THE ILLINOIS TORTURE INQUIRY AND RELIEF COMMISSION

In re:

Claim of William Atkins

TIRC No.: 2011.001-A

FILED
MAY 20 PM 2:10
CLERK OF THE CIRCUIT COURT
CRIMINAL DEPT.
DOROTHY BROWN
CLERK

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, as well as the supporting record attached hereto.

Findings of Fact

1. In his Claim Form attached as Exhibit A, Claimant William Atkins (“WA”) states that in 2003 in a visiting room at Logan CC¹ he was subjected to racial slurs, a “juice thing” was put in his mouth, and Detective Daniel Engel choked him twice with his tie until WA lost consciousness and partial false teeth in the back of his mouth were broken.
2. WA moved before trial to suppress his statements: the written motion is consistent with his TIRC allegations. Indeed, the allegations regarding coercion appear to have been photocopied from a document written by WA. WA testified in a manner basically consistent with his TIRC Claim.
3. At the hearing an IDOC employee testified to the setting where the meeting took place.² As set forth in Exhibit B, the visiting room is located in the main administration building, which is near the entrance to the facility for both visitors and incoming staff. All staff and visitors pass by the door. There are no windows in the room, except for one in the door. That window does have a vertical blind. There are three such visiting rooms in that area. (Transcript of Proceedings dated April 16, 2008, at 19)

¹ WA was in the custody of IDOC on another offense. The conviction underlying the TIRC Claim involves a 1981 case where new DNA technology led to the questioning of WA in 2003.

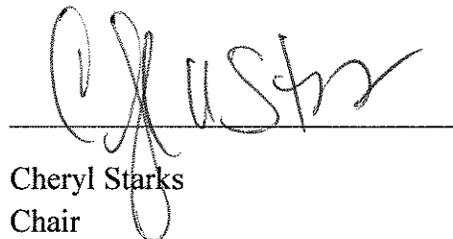
² In his TIRC interview WA agreed in all essential respects with the description given by the witness.

4. In his TIRC interview, when asked why he didn't yell or scream, WA said he was surprised and unable to. He also stated that DOC and /or Cook County Jail records would corroborate his allegations about his broken teeth.
5. Subpoenas were issued by TIRC and records were received from both sources. They reveal that, although WA has had problems with his teeth³, there is no mention of any partial false teeth being broken or any complaint of damage to his teeth from being choked with a tie.

Conclusions

1. There is not sufficient evidence of torture to conclude that the Claim is credible because:
 - a. The undisputed location of the alleged abuse makes it unlikely that it occurred: it is far more public and visible than an interrogation room in the back of a police station, and it seems to be an extremely risky place to be choking somebody into unconsciousness;
 - b. Although WA has been reasonably consistent in making his claim, the Claim is not corroborated by WA's dental records or by any other evidence;
 - c. WA's explanation for not screaming or yelling so that someone outside the room would hear does not seem credible; and
 - d. None of the accused has any history of abuse known to TIRC.
2. Since there is not sufficient evidence of torture to conclude that the Claim is credible, the Claim should not be referred for judicial review.

DATED: May 20, 2013



Cheryl Starks
Chair
Illinois Torture Inquiry and
Relief Commission

³ He was treated at Cermak Hospital in 2004 for advanced periodontal disease, and he had a tooth extracted in 2008.

EXHIBIT A:

William Atkins Claim Form

STATE OF ILLINOIS
Torture Inquiry and Relief Commission

FORM TO FILE CLAIM OF TORTURE WITH ITIRC

1. Name and current address of person claiming to have been tortured:

WILLIAM ATKINS I.D. N-52198
P.O. BOX 711
MERMAID ILL 62259

2. Name and current address of person signing this Form (if different than No. 1 above):

William Atkins I.D. N-52198
P.O. BOX 711
MERMAID ILL 62259

3. Details of Claimant's felony conviction based upon allegedly tortured confession:

a. Circuit Court: COUNTY OF COOK
b. Year: 2003
c. Crime(s) of Conviction: 9/08/2004
d. Sentence: NATURAL LIFE
e. Case Number (if known): NO. 03 CR 04856/02

4. Details of alleged torture:

a. Law enforcement agency: CPD
b. Date(s): 1/23/03
c. Names of persons committing alleged torture: Ronald Pluta 370
Detective Daniel Engel 370 2114 Detective Kenneth Barry's staff 30667
ASA Michael Rogers ASA Mariosa Palermo
d. Brief description of alleged torture: I WAS IN IDOC ILLINOIS
RIVER WHEN CPD AND ASA CAME TO SEE ME WHEN I
SAID I DID NOT WANT TO TALK TO THEM I ASK TO GO THEY TOLD I DOG
TO HAND OFF ME I ASK FOR AN ATTORNEY I WOULD NOT DO WHAT THEY
WANT TO THEY WENT TO ALL CPD OF COOK AND NIGERES WHO KILLED A WHITE MAN AND
RAPED A WHITE WOMAN I SAID TO MY DAD AND FINGERPRINT THEY PUT A JUICE THING
IN MY MOUTH BECAUSE I SAID IT IS NOT MY DNA. THEN BEFORE I KNEW IT HE PUT THE TIE
AROUND MY NECK. TALK TO ME TELL ME WHAT HE WANTED
TO DO I WOULD NOT DO IT THEN I COULD NOT TALK UNTIL I LOST CONSCIOUSNESS
HE WAS CHOKED 2 TIMES THE LAST TIME THE TIE WENT IN TO MY MOUTH BECAUSE
I DUCKED AND CAUGHT THE TIE IN MY TEETH AND THE PRESSURE BROKE MY BACK TEETH
WHEN I WAS UNCONSCIOUS AND CAME TO I WAS ON THE FLOOR

5. Names and current addresses of persons who could support your Claim:

- a. Toby CoROSS 142071 21st St Chicago, Ill 60651
- b. Willie Atkins 26334 74th Street apt #3 Chicago, Ill 60649
- c. Larry CoROSS 5408 W COR + 12th St Chicago, Ill 60639
- d. Patricia Williams 3530 S Lake Park Chicago, Ill 60653
- e. Mrs Williams 3875 W 21st St Chicago, IL 60612

6. Location of documentation supporting your Claim:

Office of the State
Appellate Defender First Judicial District CAROLYN R. KLEINER
203 W La Salle St 24th Floor Chicago, IL 60601 phone 312/814-5472
New lawyer, Herb Goldberg 312/320-8126

Dated:

Willie Atkins N-52198
Claimant or Person Signing on Claimant's Behalf

RECEIVED

MAY 18 2011

TORTURE INQUIRY AND
RELIEF COMMISSION
D USES EX MM

EXHIBIT B:

Excerpts of Transcript of Proceedings in 03 CR 4836,

People v. Atkins, dated April 16, 2008

1 STATE OF ILLINOIS)
2 COUNTY OF C O O K) ss

3 IN THE CIRCUIT COURT OF COOK COUNTY
4 COUNTY DEPARTMENT - CRIMINAL DIVISION

5 THE PEOPLE OF THE)
6 STATE OF ILLINOIS) Case No. 03 CR 4836
7 vs.)
8 WILLIAM ATKINS)
9 IVORY LOYD)

REPORT OF PROCEEDINGS

10 BE IT REMEMBERED that on the 16th day of
11 April, 2008, this cause came on for hearing
12 before the Honorable BERTINA E. LAMPKIN, Judge
13 of said Court, upon the indictment herein, the
14 defendant having entered a plea of not guilty.

15 APPEARANCES:

16 HON. RICHARD DEVINE,
17 State's Attorney of Cook County, by
18 MR. WILLIAM DELANEY,
19 MR. JAMES PAPA,
20 MS. PHYLLIS PORCELLI,
21 Assistant State's Attorneys,
22 Appeared on behalf of the People;

23 HON. EDWIN BURNETTE,
24 Public Defender of Cook County, By:
MS. DAYNA WOODBURY,
MS. AMY THOMPSON,
Assistant Public Defenders,
appeared on behalf of the Defendant.

25 Kenneth Madoch
26 Official Court Reporter
27 Circuit Court of Cook County
28 County Department-Criminal Division

1 A Yes, I did speak with them.

2 Q Do you recall specifically which of
3 those individuals?

4 A No, I can't recall exactly which one I
5 spoke to at that time.

6 Q And where did that take place?

7 A I would have spoken to them possibly in
8 person as -- some of the time I make the
9 arrangements for the incoming law enforcement
10 staff to be escorted to an interview room. I do
11 that by telephone. I usually talk with law
12 enforcement persons advising them of information
13 that I need at the conclusion of their visit.
14 Sometimes depending on the case, I may
15 personally go up and escort those people back
16 and sit them in a room.

17 Q Do you recall what happened in this
18 case?

19 A I do not recall in this case.

20 Q Are you aware if those individuals were
21 brought to an interview room?

22 A I am aware that they were brought to
23 the interview room, that's correct.

24 Q And where is that room located?

1 A Located in our administration building
2 which is I guess at near the entrance to the
3 facility for visitors and incoming staff as
4 well.

5 Q Can you describe the room itself?

6 A The room itself is probably a 10 by 12
7 room that has no windows in it. It has one door
8 leading into it which has a window. That window
9 has a vertical blind an attached to it. There
10 is a table, couple of chairs, maybe a settee
11 type of couch in that room. Other than that
12 there is nothing else in the room, no telephones
13 or anything else.

14 Q Are there any other interview rooms
15 close to that one?

16 A Yes, there is approximately 3 interview
17 rooms in all that are in that general vicinity.

18 Q And you stated that you made
19 arrangements for Williams Atkins to be brought
20 to that room as well, is that correct?

21 A Yes. Williams Atkins would have been
22 notified by our main gate staff, actually
23 through the main gate staff would have notified
24 the housing unit staff who would have had him