

BEFORE THE ILLINOIS TORTURE INQUIRY AND RELIEF COMMISSION

In re:

Claim of Peter Hommerson

TIRC No. 2013.170-H
(Relates to Lake County Circuit
Court Case No. 96-CF-544)

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. On approximately July 14, 2013, Mr. Peter Hommerson submitted a claim form to the Commission alleging that a Detective Randall of the Lake County Major Crime Task Force tortured him to obtain incriminating statements about the January 23, 1996, shooting deaths of Marvin and Kay Lichtman in their Lake County home. Specifically, Hommerson alleged that “[i]n order to force me to write down false info. about the main suspects and their connection to the Italian Mob in a double murder case[,] I was handcuffed to a leg of a desk[,] bent over on a chair for ten hours. The chair was kicked out underneath; I broke my nose.”¹
2. Hommerson was questioned by police shortly after the crime. Three days after the murders, he fled to Mexico on January 26, 1996. He was served with an arrest warrant in the case on October 14, 2005. He was later convicted of first-degree murder following a jury trial in the Circuit Court of Lake County.²
3. The Illinois Torture Inquiry and Relief Commission Act (775 ILCS 40/1 *et seq.*, TIRC Act) confers jurisdiction upon the Commission to investigate Claims of torture. At the time Hommerson submitted his claim, the statute defined a Claim of torture as “a claim on behalf of a 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 [Chicago police] Commander Jon Burge or any officer under the supervision of Jon Burge.” 775 ILCS 40/5(1) (2014) (hereinafter “Old Act”).

¹ Peter Hommerson Claim Form; *see also People v. Hommerson*, 399 Ill.App.3d 405 (2010) (detailing facts of the case).

² *See People v. Hommerson*, 399 Ill. App. 3d 405 (2010).

4. Although the Commission accepted Mr. Hommerson's claim when it was submitted in 2013, under 2 Ill. Admin. 3500.340(e) (eff. Sept. 19, 2014), it informed him in 2014 that it would take no further action on it while the Illinois Appellate Court considered the issue of the Commission's jurisdiction over claims not related to Jon Burge.³
5. On March 25, 2016, the Illinois Appellate Court confirmed that the Commission's jurisdiction under the Old Act was limited to "petitioners who were victims of Burge or officers under his supervision" and claims unrelated to Burge were outside the Commissioner's jurisdiction. *People v. Allen*, 2016 IL App (1st) 142125, ¶1.⁴ Additionally, it determined that the Act's wording "perforce eliminates claims from petitioners convicted in counties other than Cook from the Commission's purview." *Id.* at ¶15.
6. On July 29, 2016, Public Act 99-0688 amended the TIRC Act, eliminating the requirement of Burge's involvement and expanding the Commission's jurisdiction to "allegations of torture occurring within a county of more than 3,000,000 inhabitants." Section 5(1) (hereinafter "New Act").
7. On August 11, 2016, TIRC staffers wrote to Hommerson and expressed doubts about whether his claim was within the Commission's jurisdiction and requested further information on Hommerson's claim.⁵
8. On August 29, 2016, TIRC received a written response from Mr. Hommerson, dated August 22, 2016, in which he now claimed that he had been tortured in two locations: first in Chicago with the help of a Chicago detective from a street gang task force and then at the Barrington Hills Police Department on Algonquin Road.⁶
9. In his claim form and in two previous letters dated August 8, 2013, and September 29, 2013, in which he had detailed aspects of his claim, Mr. Hommerson had not previously mentioned being tortured in Chicago.

³ See Letter from Barry A. Miller, then-Executive Director of TIRC, to Peter Hommerson, May 1, 2014.

⁴ Mr. Allen has filed a petition for leave to appeal to the Illinois Supreme Court. The Commission is not aware that the PLA has been ruled on. However, even if the PLA is granted, "the precedential effect of an appellate court opinion is not weakened by the fact that a petition for leave to appeal has been granted and is pending, and trial courts are bound by that appellate court ruling until this court says otherwise." *People v. Harris*, 123 Ill. 2d 113, 129 (Ill., 1988).

⁵ See August 11, 2016 letter from TIRC Executive Director Rob Olmstead to Peter Hommerson.

⁶ See August 22, 2016 letter from Peter Hommerson to Rob Olmstead.

10. Lake County is inhabited by 703,462 people⁷. Cook County is the only county in Illinois with more than 3,000,000 inhabitants.⁸
11. Although portions of Barrington Hills lie in Lake County, the Barrington Hills police station on Algonquin Road sits in Cook County. Chicago is situated entirely within Cook County.
12. In no correspondence with the Commission has Hommerson claimed involvement in his case by Jon Burge or any officers under his supervision.

ANALYSIS

For purposes of this determination, the Commission assumes, but does not decide, that the torturous conduct Mr. Hommerson alleges occurred within the geographical boundaries of Cook County.

The TIRC Act, as it existed prior to July 29, 2016 (Old Act), conferred jurisdiction on the Commission to investigate claims of torture only when it was alleged to have been inflicted by Jon Burge or officers formerly under his command. *See People v. Allen*, 2016 IL App (1st) 142125, ¶1. Additionally, the Illinois Appellate Court in *People v. Allen* determined that the Old Act excluded claims whose convictions occurred in courts outside of Cook County. *Id.* at ¶15

Because Mr. Hommerson has never claimed that Jon Burge or officers under his command were involved in his torture, and he acknowledges that he was convicted in Lake County Circuit Court, the Commission has no jurisdiction to investigate his claim under the Old Act.

After July 29, 2016 (New Act), the Commission was empowered to investigate claims of torture “occurring within a county of more than 3,000,000 inhabitants.” The Commission has interpreted this phrase to mean that the conviction at issue occurred within a county of more than 3,000,000 inhabitants. *See extensive statutory analysis in In re Claim of Ernest Hubbard*, 2014-242-H, decided by TIRC on September 21, 2016. The Commission concluded in that determination that the *Allen* court’s ruling that TIRC has no jurisdiction over convictions of courts outside Cook County was unaffected by the July 29, 2016 amendments.

Because Mr. Hommerson acknowledges that he was convicted in Lake County, a county of fewer than 3,000,000 inhabitants, the Commission has no jurisdiction to consider his claim under the New Act, either.

⁷ SOURCE: Census.gov, 2010 Demographic Profile.

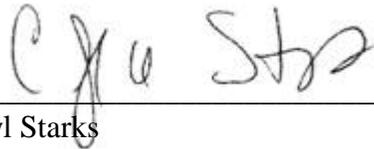
⁸ *Id.*

CONCLUSION

The Commission finds that Mr. Hommerson's claim does not meet the definition of "claim of torture" in Section 5(1) of the TIRC Act, and that the Commission is without jurisdiction to consider his claim.

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

Dated: September 21, 2016



Cheryl Starks
Chair
Illinois Torture Inquiry and Relief Commission