

BEFORE THE ILLINOIS TORTURE INQUIRY AND RELIEF COMMISSION
FILED

In re:

ROBERT M. SPEARS

Claim of Willie Pannell

JUN 01 2015

TIRC No. 2014.248-P

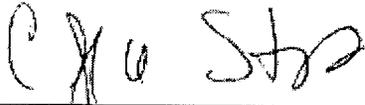
CLERK OF THE CIRCUIT COURT
SUMMARILY DISMISSAL
PEORIA COUNTY, ILLINOIS

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 September 16, 2013, Willie Pannell signed a Claim Form. While not entirely clear, the 2013 Claim Form appeared to allege that Pannell had been tortured because he had been forced to plead guilty to a crime he did not commit.
2. On September 27, 2013, Commission staff wrote Pannell saying that the Claim Form could not be filed, since Panell did not allege any specifics concerning torture, or that any tortured statement was used against him.
3. On approximately June 13, 2014, Commission staff received a second Claim Form from Pannell, dated May 16, 2004 [sic]. While not entirely clear, the 2014 Claim Form appeared to allege that Pannell's trial attorney allowed a post-trial motion hearing to be scheduled when Pannell would be out of town for medical treatment, and that this decision was made to torture him.
4. The 2014 Claim Form states that Pannell gave no statement as a result of this torture, and no statement was used to convict him.
5. Section 5(1) of the TIRC Act defines "Claim of torture" as a claim by a convicted person "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."

The Commission finds that Pannell's claim does not involve a tortured confession which was used to obtain his conviction. Accordingly, his claim does not meet the definition of "Claim of torture" in Section 5(1) of the TIRC Act. The Commission is thus without jurisdiction to consider his claim. The Commission summarily dismisses Pannell's claim and instructs its Executive Director to notify Pannell of the dismissal and his right to judicial review under the Illinois Administrative Review Law.¹

Dated: May 20, 2015



Cheryl Starks, Chair
Illinois Torture Inquiry and Relief Commission

¹ There is no indication that Jon Burge, or an officer who had been under his supervision, was involved in the case, but that is not the basis for the dismissal.