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REPORT No. 332/23
PETITION 2190-16
REPORT ON INADMISSIBILITY

ERIC ELLIOTT
UNITED STATES OF AMERICA

Approved electronically by the Commission on December 29, 2023.

Cite as: IACHR, Report No. 332/23, Petition 2190-16. Inadmissibility. Eric Elliott. United States of America. December 29, 2023.

I. INFORMATION ABOUT THE PETITION

Petitioner:	Eric Elliott
Alleged victim:	Eric Elliott
Respondent State:	United States of America ¹
Rights invoked:	No specific provisions invoked (of the American Declaration on the Rights and Duties of Man ²)

II. PROCEEDINGS BEFORE THE IACHR³

Filing of the petition:	October 24, 2016
Additional information received at the stage of initial review:	August 8, 2017
Notification of the petition to the State:	July 18, 2022
State's first response:	June 7, 2023
Additional observations from the petitioner:	October 22, 2022
Notification of the possible archiving of the petition:	December 8, 2020
Petitioner's response to the notification regarding the possible archiving of the petition:	March 15, 2021

III. COMPETENCE

Competence <i>Ratione personae</i>:	Yes
Competence <i>Ratione loci</i>:	Yes
Competence <i>Ratione temporis</i>:	Yes
Competence <i>Ratione materiae</i>:	Yes, American Declaration (ratification of the OAS Charter on June 19, 1951)

IV. DUPLICATION OF PROCEDURES AND INTERNATIONAL *RES JUDICATA*, COLORABLE CLAIM, EXHAUSTION OF DOMESTIC REMEDIES AND TIMELINESS OF THE PETITION

Duplication of procedures and International <i>res judicata</i>:	No
Exhaustion of domestic remedies or applicability of an exception to the rule:	No, in terms of Section VI
Timeliness of the petition:	No, in terms of Section VI

V. ALLEGED FACTS

1. The petitioner presents a miscellany of complaints arising mainly from his conviction for murder and the subsequent imposition of a life sentence without the possibility of parole. The petition also contains complaints about conditions of detention. –The information in the petition is somewhat scanty and disjointed regarding the petitioner's claims–.

¹ Hereinafter "United States," "the U.S." or "the State."

² Hereinafter "the American Declaration" or "the Declaration."

³ The observations submitted by each party were duly transmitted to the opposing party.

2. According to the petitioner, he was arrested in Oklahoma for murder when he was 16 years old. The petition does not indicate precisely when the petitioner was arrested. The petitioner also mentions that at the time of his arrest, he had, since the age of 12, been diagnosed with attention deficit hyperactivity disorder (ADHD). Prior to his arrest, the petitioner states that he had been medication to treat his ADHD (Ritalin and Elavil four times a day). He also claims that he has an IQ of 86.

3. The petitioner claims that following his arrest he was placed in detention, during which time he was not provided with the medication needed to treat his ADHD was not provided.⁴ The petitioner also claims he was placed in solitary confinement for the first six months of detention. He further alleges that he was placed in solitary confinement not for disciplinary reasons, but to alleviate an overcrowding problem. The petitioner states that this period of solitary confinement placed him under significant mental strain, particularly given his age.

4. The petitioner mentions that he was transferred to an adult county jail and placed in a "pod" that had five cells with three other juveniles. -The petitioner does not mention the date on which he was transferred, or the name of the adult county jail-. He claims that approximately a week later, he was woken up by three juveniles who repeatedly assaulted him. He states that this occurred on five more occasions over the course of several weeks. -The petition does not provide any detail on the persons who assaulted him, or whether he made any reports to the authorities about the alleged assaults-.

5. The petitioner alleges that he never committed the offence of murder. -The petition provides no information on the allegations that led to prosecution of the petitioner for murder-. During the criminal proceedings, the petitioner claims that he was certified to stand trial as an adult, and that the District Attorney involved in his case, filed a motion to seek the death penalty against him. -The petition provides no dates regarding his certification as adult or the motion to seek the death penalty-. The petitioner claims that over a three-day period, his attorneys coerced him into believing that if he pleaded guilty to the offence, that he would not be subject to the death penalty. Based on the information provided by the petitioner it appears that he pleaded guilty, and on October 31, 1996, sentenced to life imprisonment without the possibility of parole. The petitioner complains that his age, mental competence (given his IQ), and his ADHD were not considered by the court, District Attorney or his defense attorneys in the proceedings that led to the imposition of the life sentence.

6. The petitioner states that he has now been incarcerated for over 22 years and claims that the life sentence constitutes inhumane treatment.

7. The petitioner indicates that he has not brought any legal proceedings to contest the conviction for murder or the life sentence imposed on him. -The documentation from the petitioner does not provide any clear explanation for not challenging the conviction or sentence before the domestic courts-.

8. The State submits that petition is inadmissible for failure to comply with the requirements of Articles 28 and 31 of the Commission's Rules of Procedure. More specifically, the State contends that the petition fails to identify the steps taken to exhaust domestic remedies.

9. The State further indicates that based on the docket available through the Oklahoma State Courts Network, it appears that petitioner's case is still pending in the District Court in and for Cleveland County, Oklahoma and that there has been relevant activity since the filing of the petition.⁵ In the absence of additional clarification from petitioner, the State submits the petition be found inadmissible.

⁴ It appears that the petitioner was in pre-trial detention for two years. The petition is a bit confusing on this issue, but it appears that it is during this period that he claims that he was not given the medication that he needed.

⁵ The State cites an link to the docket (<https://www.oscn.net/dockets/GetCaseInformation.aspx?db=cleveland&number=CF-1994-1124&cmid=9976>), but the information there does not clearly specify the nature of the proceedings that are still allegedly pending.

VI. ANALYSIS OF EXHAUSTION OF DOMESTIC REMEDIES AND TIMELINESS OF THE PETITION

10. The petitioner complains mainly about his conviction for murder in 1996, and the subsequent imposition of a life sentence without the possibility of parole. The petitioner also complains of being subjected to certain substandard conditions and treatment while in pre-trial detention.

11. In determining the admissibility of a petition, the Commission is required (in accordance with Article 31 (1) of its Rules of Procedure) to verify whether the remedies of the domestic legal system have been pursued and exhausted in accordance with the generally recognized principles of international law. The Commission observes that the requirement of prior exhaustion of domestic remedies is intended to enable the national authorities to take cognizance of the alleged violation of a protected right and, if appropriate, to resolve the situation before it is brought before an international body.

12. The Commission also notes that there is an interplay between Article 31 (a) and Article 28 of its Rules of Procedure. More specifically, Article 28 (8) requires petitions to indicate any steps taken to exhaust domestic remedies, or the impossibility of doing so; and Article 28 (4) requires a petition to provide an account of the fact or situation that is denounced, specifying the place and date of the alleged violations.

13. Regarding the complaints regarding of substandard conditions and treatment while in pre-trial detention, the petitioner alleges that he (a) was deprived of medication needed for his ADHD; (b) subjected to solitary confinement; and (c) subjected to assault by fellow inmates. The Commission notes that the information provided by the petitioner on these complaints is somewhat incomplete and unclear.

14. Regarding the issue of medication, for the most part, the Commission notes that the petition contains no clear information on (a) how long the petitioner was deprived of the medication; (b) any adverse effects suffered by the petitioner as result of being deprived of this medication; and (c) any steps taken to redress this issue before the relevant authorities.

15. Regarding the issue of solitary confinement, the petition states that the petitioner was subject to this confinement for six months but does not supply any information on where this occurred; or any specific dates during which this confinement occurred. The petition also does not provide any information on any steps taken by the petitioner to redress this complaint before the relevant domestic authorities.

16. With respect to the alleged assaults by fellow inmates, the petition does not (a) indicate when they occurred; (b) provide the name of the location where it occurred; (c) provide any detail on the persons who assaulted him; indicate whether he made any reports to the authorities about the alleged assaults (and if so, the outcome).

17. Having regard for the lack of specificity and clarity regarding the foregoing claims, (as well as lack of information on steps taken to redress the claims) the Commission is unable to verify that the petitioner has exhausted domestic remedies in relation to the alleged claims. The Commission is similarly unable to verify whether the petitioner is entitled to any exception to the requirement to exhaust domestic remedies. Accordingly, the Commission considers that these claims are inadmissible for failure to comply with the requirements of Article 31 (1) of the Commission's Rules of Procedure.

18. The petitioner generally contends that his rights were violated by the imposition of a life sentence without the possibility of parole, as well as the criminal proceedings that led to his conviction and sentence. He claims that he was coerced into pleading guilty to avoid the imposition of a death sentence. The Commission notes that the petitioner was sentenced to life imprisonment on October 21, 1996. According to the petitioner, he took no steps to challenge the conviction and sentence before the domestic courts. The Commission notes that the State contends that the petition fails to identify the steps taken to exhaust domestic remedies.

19. Based on this information, the Commission is unable to verify that the petitioner has exhausted domestic remedies in relation to claims relating to the criminal proceedings against him and the consequential conviction and life sentence. The Commission is similarly unable to verify whether the petitioner is entitled to any exception to the requirement to exhaust domestic remedies. Accordingly, the Commission considers that the petition is inadmissible for failure to comply with the requirements of Article 31 (1) of the Commission's Rules of Procedure. In addition, the Commission notes that the petition was filed on October 24, 2016, approximately 20 years after the petitioner's conviction and sentence for murder. On the assumption that the sentence was the final ruling in the domestic proceedings, the petitioner has not offered any information to explain the delay in filing his petition, or to justify any exception to the six-month deadline prescribed by Article 31 (1) of the Commission's Rules of Procedure. Consequently, in relation to the foregoing claims, the IACHR also considers the petition is also inadmissible for failure to comply with the prescribed six-month deadline for filing.

20. Having regard for the foregoing, the Commission does not consider it necessary to analyze any of the other admissibility requirements.

VII. DECISION

1. To find the instant petition inadmissible.
2. To notify the parties of this decision; and to publish this decision and include it in its Annual Report to the General Assembly of the Organization of American States.

Approved by the Inter-American Commission on Human Rights on the 29th day of the month of December 2023. (Signed:) Margarete May Macaulay, President; Roberta Clarke, Second Vice President; Julissa Mantilla Falcón, and José Luis Caballero Ochoa, Commissioners.