

**Texas Forensic Science Commission
Minutes from April 4, 2014 Complaint Screening Committee Meeting in Austin, Texas**

The Texas Forensic Science Commission's Complaint Screening Committee met at 8:00 a.m. on Friday, April 4, 2014, at the Omni Austin Southpark, 4140 Governor's Row, Austin, Texas 78744.

Members of the Commission were present as follows:

Members Present: Eisenberg (Chair), Alpert, Barnard

Members Absent: None

Staff Present: Lynn Garcia, FSC General Counsel
Leigh Tomlin, Commission Coordinator

Discuss factual information, allegations and potential recommendations for complaints and laboratory self-disclosures received or left pending by the Commission since January 10, 2014.

1. #13-07 DPS – Garland (Controlled Substance – Hawkins)

MOTION AND VOTE: *Barnard moved to recommend the full FSC dismiss the complaint, because the complainant misunderstands the testing that occurred in the case, which is clearly demonstrated by the documents in the laboratory file. Thus, there is no viable allegation of negligence or misconduct in the complainant's submission. Eisenberg seconded the motion. The CSC unanimously adopted the motion.*

2. #13-08 DPS – Abilene (Controlled Substance – Hutchinson)

MOTION AND VOTE: *Barnard moved to recommend the full FSC dismiss the complaint, because the complainant's allegations about improper weighing of the controlled substance by the laboratory are contradicted by the documents, and allegations of police misconduct in the initial weighing of the substance are beyond the scope of the Commission's jurisdiction. Eisenberg seconded the motion. The CSC unanimously adopted the motion.*

3. #14-01 – Bell County DA's Office, Knox and Associates – (Digital Video – Powell)

MOTION AND VOTE: *Eisenberg moved to direct staff to obtain the trial transcript, contact the Bell County District Attorney, contact the complainant with a status update, and possibly reach out to digital evidence experts regarding an independent assessment of the evidence in the case. Barnard seconded the motion. The CSC unanimously adopted the motion.*

4. #14-02 Bexar County Forensic Center – (DNA – Fuller)

MOTION AND VOTE: *Alpert moved to recommend the full FSC dismiss the complaint and direct staff to contact the Innocence Project about assisting the complainant in obtaining any DNA records that may be available in his case. Barnard seconded the motion. The CSC unanimously adopted the motion.*

5. #14-03 Baylor College of Medicine – (DNA – Padieu)

MOTION AND VOTE: *Barnard moved to recommend the full FSC dismiss the complaint, because the laboratory is not a DPS-accredited laboratory and commission members see no potential educational benefit in pursuing the complaint further. Alpert seconded the motion. The CSC unanimously adopted the motion.*

6. #14-04 Civil – General Allegations (Medical Report – Levee)

MOTION AND VOTE: *Eisenberg moved to recommend the full FSC dismiss the complaint, because it is related to a civil case that falls outside the Commission’s jurisdiction. Barnard seconded the motion. The CSC unanimously adopted the motion.*

7. #14-05 Bexar County Crime Lab – (DNA – Sutton)

MOTION AND VOTE: *Alpert moved to dismiss the complaint, because the complaint is nearly unintelligible and the DNA analysis appears to have occurred before the effective date of the DPS accreditation program in any event. Moreover, the Commission has no ability to obtain the results of post-conviction DNA testing on behalf of complainants. Barnard seconded the motion. The CSC unanimously adopted the motion.*

Adjourn.