

**Texas Forensic Science Commission Complaint Screening Committee
Minutes from July 31, 2014 Meeting in Fort Worth, Texas**

The Texas Forensic Science Commission met at 4:30 p.m. on Thursday, July 31, 2014, at the Courtyard Marriott Downtown – Blackstone, 601 Main Street, Fort Worth, Texas 76102.

Members of the Commission were present as follows:

Members Present: Eisenberg, Barnard, Alpert
Kerrigan (present but non-voting)

Members Absent: None

Staff Present: Lynn Garcia, FSC General Counsel
Leigh Heidenreich, Commission Coordinator
Esteban Serrano, Summer Intern

Discuss factual information, allegations and potential recommendations for complaints and laboratory self-disclosures received or left pending by the Commission since April 4, 2014.

1. #14-01 Powell (Digital Evidence)

MOTION AND VOTE: *Alpert moved to recommend the full Commission move forward with hiring an outside consultant to review the data and issue a report on acceptable standards of science used in the case. Eisenberg seconded the motion. The CSC unanimously adopted the motion.*

2. #14-06 Robinson (Autopsy)

MOTION AND VOTE: *Alpert moved to recommend the full Commission dismiss the complaint, because autopsy-related inquiries are specifically excluded from the Commission's jurisdiction. Eisenberg seconded the motion. The CSC unanimously adopted the motion.*

3. #14-08 Blazek (Firearms/Tool Marks)

MOTION AND VOTE: *Alpert moved to present the complaint to the full Commission without a recommendation from the CSC. Eisenberg seconded the motion. The CSC adopted the motion.*

Dr. Barnard recused himself from discussion and voting for this complaint.

4. #14-09 Gambles (DNA)

MOTION AND VOTE: *Barnard moved to recommend the full Commission dismiss the complaint and refer the complainant to the various Texas innocence clinics, because the complaint falls outside the Commission's jurisdiction. Alpert seconded the motion. The CSC unanimously adopted the motion.*

5. #14-12 Scharmen (Breath Alcohol)

MOTION AND VOTE: *Barnard moved to recommend the full Commission direct staff to send the complainant a letter requesting he contact Alamo Forensic Services for the information he is seeking. Eisenberg seconded the motion. The CSC unanimously adopted the motion.*

6. #14-07 IFL (Firearms/Tool Marks)

MOTION AND VOTE: *Alpert moved to withhold recommendation and present to the full Commission for disposition. Alpert seconded the motion. The CSC unanimously adopted the motion.*

7. #14-10 IFL (Blood Alcohol)

MOTION AND VOTE: *Barnard moved to recommend the full Commission direct staff to issue a letter to the laboratory stating that given the information provided, no further action is required. Alpert seconded the motion. The CSC unanimously adopted the motion.*

8. #14-11 DPS - Austin (Toxicology)

MOTION AND VOTE: *Alpert moved to withhold any recommendation until more information can be obtained from DPS at the full Commission meeting. Barnard seconded the motion. The CSC unanimously adopted the motion.*

9. #14-15 SWIFS (Controlled Substance)

MOTION AND VOTE: *Eisenberg moved to recommend the full Commission provide a letter to the laboratory stating no further action is required at this time. Alpert seconded the motion. The CSC unanimously adopted the motion.*

10. #14-16 Houston Police Department (DNA)

MOTION AND VOTE: *Barnard moved to withhold recommendation to the full Commission until the CSC can obtain copies of internal reports and further information from the laboratory and ASCLD/LAB. Eisenberg seconded the motion. The CSC unanimously adopted the motion.*

11. #14-13 Houston Forensic Science Center (Blood Alcohol)

MOTION AND VOTE: *Alpert moved to recommend the full Commission accept the complaint for investigation and obtain hard copies of requested documents and names of those who did technical and administrative reviews of the incident. Eisenberg seconded the motion. The CSC unanimously adopted the motion.*

12. #14-14 DPS – Garland (DNA)

MOTION AND VOTE: *Barnard moved to defer recommendation to the full Commission until more information related to the complaint is obtained from the laboratory. Eisenberg seconded the motion. The CSC unanimously adopted the motion.*