

**Texas Forensic Science Commission Complaint Screening Committee
Minutes from October 2, 2015 Meeting in Austin, Texas**

The Texas Forensic Science Commission's Complaint Screening Committee met at 7:30 AM on Friday, October 2, 2015, at the Omni Austin Southpark Hotel, 4140 Governor's Row, Austin, Texas 78744.

Members of the Committee were present as follows:

Members Present: Arthur Eisenberg, Chair
Jeffrey Barnard
Richard Alpert

Members Absent: None

Staff Present: Lynn Garcia, FSC General Counsel
Leigh Tomlin, Commission Coordinator
Nick Vilbas, Staff Attorney
Kathryn Adams, Paralegal

Discuss factual information, allegations and potential recommendations for complaints and laboratory self-disclosures received or left pending by the Commission since August 14, 2015.

1. #2012.15.02 APD Crime Lab (Crime Scene Reporting)

The Austin Police Department Crime Laboratory self-disclosed this issue to the Commission, related to an incident in the laboratory's crime scene department where a crime scene technician failed to issue reports in 121 field cases.

MOTION AND VOTE: *Alpert moved to recommend the full Commission table the disclosure until the laboratory provides its final corrective action report. Barnard seconded the motion. The CSC unanimously adopted the motion.*

2. #2013.15.03 Corpus Christi PD (Missing Evidence-Bullet Fragment)

The Corpus Christi Police Department Crime Laboratory self-disclosed this incident to the Commission, related to missing evidence (1 bullet fragment) in an aggravated assault case in the laboratory's possession.

Members discussed corrective action and root cause analysis performed by the laboratory and commended laboratory management for their swift action and disclosure.

MOTION AND VOTE: *Alpert moved to recommend to the full Commission no further action by the laboratory is necessary at this time given the corrective action and other remedial measures completed by the laboratory. Barnard seconded the motion. The CSC unanimously adopted the motion.*

3. # 1110.15.08 Eloy Redd (Harris County SANE)

Inmate Eloy Redd filed this complaint, alleging Fort Bend County and Harris County Child Protective Services, forensic interviewers, police interviewers, a Sexual Assault Nurse Examiner (S.A.N.E.), and the alleged victim in the case provided false information in the videotaped interviews and testimony used to convict him at trial.

MOTION AND VOTE: *Alpert moved to recommend the full Commission dismiss the complaint, because the complaint fails to allege any negligence or misconduct related to a forensic analysis, and to direct staff to refer the complaint to the Texas Board of Nursing and the Texas publicly funded innocence clinics. Barnard seconded the motion. The CSC unanimously adopted the motion.*

4. # 1111.15.09 James E. Wilcox (Sexual Assault; DPS Waco)

Inmate James Edward Wilcox filed this complaint, alleging DPS (Waco) DNA analysts used improper methods and techniques in his case. Wilcox also challenges the handling of the blood draw used for DNA testing. Members discussed a letter provided by the complainant where an attorney states there is DNA evidence to exonerate Mr. Wilcox. The attorney asks Mr. Wilcox to pay a retainer before the attorney can take his case.

MOTION AND VOTE: *Alpert moved to recommend the full Commission dismiss the complaint, because the complaint fails to allege any negligence or misconduct related to a forensic analysis, but to instruct staff to follow up on the allegations related to the DNA testing in the complaint. Barnard seconded the motion. The CSC unanimously adopted the motion.*

5. #1112.15.10 Steve Davis (Blood Alcohol; DPS Garland)

Inmate Stevie L. Davis filed this complaint, alleging a DPS (Garland) analyst gave a false report and testimony related to the blood alcohol analysis in his case, because the analyst failed to consider the alcohol contained in intravenous drugs given to him during a life-flight after the accident.

MOTION AND VOTE: *Barnard moved to recommend the full Commission dismiss the complaint, because the complaint fails to allege any negligence or misconduct related to a forensic analysis. Alpert second the motion. The CSC unanimously adopted the motion.*

6. 1113.15.11 Rodney Hazlip (Blood Alcohol; DPS Houston)

Inmate Rodney Hazlip filed this complaint, alleging a DPS (Houston) forensic scientist performed an erroneous retrograde extrapolation in his case and provided false testimony related to the analysis at his trial.

MOTION AND VOTE: *Barnard moved to table the complaint pending discussion and recommendation by the full Commission. Alpert seconded the motion. The CSC unanimously adopted the motion.*

7. 1114.15.12 Jeff Sailus (Procedural Complaint against TFSC)

Austin Police Department DNA Technical Leader Jeff Sailus filed this complaint, criticizing the Commission's original notification letter regarding DNA mixture interpretation. Mr. Sailus complains the FSC did not consult members of the state and local forensic DNA laboratory community before issuing the directive. Sailus also alleges the Commission does not understand the scope of the problem and the issues.

MOTION AND VOTE: *Barnard moved to recommend the full Commission dismiss the complaint, because the allegations are unfounded. Alpert seconded the motion. The CSC unanimously adopted the motion.*

Dr. Eisenberg adjourned the meeting at 8:16 am.