

TEXAS FORENSIC SCIENCE COMMISSION

Justice Through Science

FIFTH ANNUAL REPORT
December 2015–November 2016



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TABLE OF CONTENTS

I.	Introduction and Executive Summary	4
II.	FSC Legal Duties and Investigative Scope	5
	<i>A. Historical Perspective</i>	
	<i>B. Investigative Jurisdiction</i>	
	<i>C. 84th Legislature Initiative Updates</i>	
	<i>a. Crime Laboratory Accreditation Program</i>	
	<i>b. Forensic Analyst Licensure Program</i>	
	<i>c. Rio Grande Identification Project</i>	
III.	FSC Members and Budget	8
	<i>A. Appointments to Date</i>	
	<i>B. Annual Budget</i>	
IV.	Summary of Complaints and Disclosures	10
	<i>A. Complaint/Disclosure Tally</i>	
	<i>B. Complaint/Disclosure Screening Process</i>	
V.	Summary of Pending Investigations	11
VI.	Investigative Reports Released since December 2015	12
	<i>A. Defense Attorney Frank Blazek Complaint (Firearm/Tool mark Analysis)</i> <i>Southwestern Institute of Forensic Science</i>	
	<i>B. National Innocence Project on behalf of Steven Chaney Complaint (Bite Mark Comparison)</i>	
	<i>C. George R. Powell Complaint (Digital Video Height Analysis) Knox and Associates</i>	
VII.	Discipline Specific Reviews	17
	<i>A. Microscopic Hair Analysis</i>	
	<i>B. DNA Mixture Interpretation Analysis</i>	
VIII.	Forensic Development Activities	24
	<i>A. DNA Mixture Trainings: Scientist, Lawyers and Judges</i>	
	<i>B. DNA Mixture Guidance Document Published in BioMed Central</i>	
	<i>C. Working Group on Forensic Science Notifications and Disclosures</i>	

IX.	Forensic Reform at the National Level.....	26
	<i>A. President’s Council of Advisors on Science and Technology’s Report on the Scientific Validity of Expert Testimony</i>	
	<i>B. National Commission on Forensic Science</i>	
	<i>C. Organization of Scientific Area Committees</i>	
X.	Additional Items Required in Annual Report by Statute.....	27
XI.	Meeting Broadcasts and Public Information Act Requests.....	27

EXHIBIT LIST

Exhibit A	Copy of Texas Code of Criminal Procedure Article 38.01
Exhibit B	FY2017 Budget Plan
Exhibit C	Complaint/Disclosure Spreadsheet

I. Introduction and Executive Summary

This is the fifth annual report of the Texas Forensic Science Commission (“FSC” or “Commission”). The Commission is required to publish an annual report each year by December 1st in accordance with its statute. (See **Exhibit A**, Tex. Code Crim. Proc. art 38.01, § 8.) The first annual report provided a historical assessment of the Commission’s work since the agency was created in 2005, covering Commission decisions through the April 2012 meeting. The second report covered Commission activities from May 1, 2012 through November 1, 2013. The third report covered Commission activities from November 2, 2013 through November 30, 2014. The fourth report covered Commission activities from December 1, 2014 through November 30, 2015. This report covers Commission activities from December 1, 2015 through November 30, 2016.

Texas continues to be a leader among states seeking to advance the integrity and reliability of forensic science in criminal courts. This report focuses on the following key developments in the Commission’s work:

1. A description of the Commission’s legal duties and its investigative scope, including the:
 - a. Crime Laboratory Accreditation Program;
 - b. Forensic Analyst Licensure Program; and
 - c. Rio Grande Identification Project;
2. Complaints and laboratory self-disclosures filed and their status;
3. The status of pending discipline-specific reviews, including:
 - a. Microscopic Hair Analysis;
 - b. Bite Mark Analysis; and
 - c. DNA Mixture Interpretation;
4. Forensic development activities; and
5. A description of developments in forensic reform at the national level.

II. Texas Forensic Science Commission Legal Duties and Investigative Scope

A. Historical Perspective

For a complete historical perspective on the creation and evolution of the Texas Forensic Science Commission, please see Section II of our first annual report, which may be obtained on the Commission's website, or by emailing Commission staff at info@fsc.texas.gov.

B. Investigative Jurisdiction

The Commission is responsible for implementing a system through which crime laboratories may report professional negligence or professional misconduct. The Commission requires crime laboratories that conduct forensic analyses to report professional negligence or professional misconduct to the Commission through its self-disclosure program.

The Commission may also investigate complaints received from outside parties or initiate an investigation on its own depending on the circumstances. The statute divides the Commission's investigative responsibilities into the following three categories:

- a) **Investigations Initiated by the Commission:** The Commission may initiate an investigation of a forensic analysis for educational purposes without receiving a complaint if the Commission determines by majority vote that the investigation would advance the integrity and reliability of forensic science in Texas.
- b) **Complaints Involving Unaccredited Labs or Unaccredited Forensic Fields:** The Commission may investigate a complaint involving a crime laboratory that is not accredited by the Commission, or conduct an investigation in response to an allegation involving a forensic method or methodology that is not an accredited field of forensic science.
- c) **Complaints Involving Accredited Labs and Accredited Forensic Disciplines:** The Commission is also charged with investigating allegations of professional negligence or misconduct against accredited crime laboratories involving accredited forensic disciplines.

For the first two investigative categories set forth above, Commission reports *may not contain a finding of negligence or misconduct*, and the reports must be limited to: (1)

observations regarding the integrity and reliability of the forensic analysis conducted; (2) best practices identified during the course of the investigation; and (3) other relevant recommendations as determined by the Commission.

However, under the third category of investigations involving accredited crime laboratories and accredited forensic disciplines, Commission reports must be more extensive. Required categories per the Commission's statute include: (1) a description of the alleged negligence or misconduct; (2) whether negligence or misconduct occurred; (3) any corrective action required of the laboratory; (4) observations regarding the integrity and reliability of the forensic analysis conducted; (5) best practices identified during the course of the investigation; (6) other relevant recommendations, as determined by the Commission; and (7) the methods and procedures used by the Commission to identify the items listed above.

In addition, the statute provides that reports may include: (1) retrospective reexamination of other forensic analyses conducted by the laboratory that may involve the same kind of negligence or misconduct; and (2) follow-up evaluations of the laboratory to review: (a) implementation of any corrective action required; or (b) conclusion of any retrospective reexamination.

The Commission may not issue a finding relating to the guilt or innocence of any party in a civil or criminal trial involving conduct investigated by the Commission. Commission reports are not admissible in a civil or criminal action. Information filed or obtained as part of a complaint or laboratory self-disclosure is not subject to release under the Public Information Act until the conclusion of a Commission investigation.¹

¹ See Tex. Att'y Gen. OR2014-16371.

C. 84th Legislature Initiative Updates

1. Crime Laboratory Accreditation Program

In June 2015, the Legislature expanded the scope of the Commission's responsibilities by passing SB-1287. *See Tex. S.B. 1287, 84th Leg., R.S. (2015)*. SB-1287 transferred Texas' Crime Laboratory Accreditation Program oversight from the Texas Department of Public Safety to the Texas Forensic Science Commission beginning September 1, 2015. In response to the legislation, the Commission established an accreditation process for crime laboratories and other entities conducting forensic analyses for use in criminal proceedings. As part of its accreditation mandate, the Commission is responsible for establishing procedures, policies and practices to improve the quality of forensic analyses conducted in Texas. Please see the accreditation [page](#) on the Commission's website for more information about the crime laboratory accreditation program and its requirements. Visit the same page for updates to the Commission's list of accredited laboratories both in Texas and outside of Texas.

2. Forensic Analyst Licensure Program

SB-1287 also required the Commission to establish licensing programs for forensic disciplines subject to accreditation in Texas. *See Tex. S.B. 1287, 84th Leg., R.S. (2015)*. The Commission may also by rule establish voluntary licensing programs for disciplines not subject to accreditation. Forensic analysts in Texas are required to be licensed by January 1, 2019. The term "forensic analyst" is limited by statute to "a person who on behalf of a crime laboratory accredited under this article technically reviews or performs a forensic analysis or draws conclusions from or interprets a forensic analysis for a court or crime laboratory. The term does not include a medical examiner or other forensic pathologist who is a licensed physician."

As parts of its licensure initiative, in December 2015 the Commission selected a licensing advisory committee consisting of one prosecutor, one defense attorney and seven individuals who are forensic scientists, crime laboratory directors or crime laboratory quality managers representative of city, county, state and private laboratories. For a list and biographies of the selected licensing advisory committee members, please visit the Commission's website [here](#). The licensing advisory committee has met more than ten times since its creation in December 2015 and plans to have a formal proposal of administrative rules related to the licensing program, including the requirements to obtain a forensic analyst license for accredited forensic disciplines for the Commission to review at its February 2017 quarterly meeting. For developmental updates and additional information related to the Commission's Forensic Analyst Licensure Program, please visit the website [here](#).

3. Rio Grande Identification Project

The 84th Texas Legislature required the Commission to develop a method for collecting forensic evidence related to unidentified bodies located less than 120 miles from the Rio Grande River in Texas. See *Tex. S.B. 1287, 84th Leg., R.S. (2015)*. The Commission plans to publish a report containing its recommendations by February 2017. Updates on the Commission's Rio Grande Identification Project and a final report will be posted on the Commission's website [here](#).

III. Texas Forensic Science Commission Members and Budget

A. Appointments to Date

To date, the FSC has had 32 different Commissioners and three full-time staff members. On November 29, 2016, Governor Abbott appointed seven new members to the Commission and named a former member, Dr. Jeffrey Barnard, Presiding Officer. Following is a table providing appointment and expiration dates for current members as of November 30, 2016 as well as the

basis for each appointment. The Texas Constitution provides that appointees with expired terms continue to serve until they are reappointed or replaced.

Current Members	Original Appointment	Basis for Appointment	Expiration Date
Jeffrey Barnard, MD <i>Presiding Officer</i>	10/31/2011	UT—Forensic Pathology (Dallas) Art 38.01, Section 3(a)(4)	09/01/2017
Bruce Budowle, Ph.D.	11/28/2016	UNTHSC Director—Missing Persons DNA (Fort Worth) Article 38.01, Section 3(a)(7)	09/01/2018
Mark Daniel, J.D.	11/28/2016	TCDLA—Defense Counsel (Fort Worth) Article 38.01, Section 3(a)(3)	09/01/2017
Nancy Downing, Ph.D.	11/28/2016	Texas A&M Faculty—Forensic Nursing (College Station) Article 38.01, Section 3(a)(5)	09/01/2018
Jasmine Drake, Ph.D.	11/28/2016	TSU Faculty—Forensic Chemistry (Houston) Article 38.01, Section 3(a)(6)	09/01/2018
Sheree Hughes-Stamm, Ph.D	10/27/2014	SHSU Faculty—DNA & Forensic Anthropology (Huntsville) Article 38.01. Section 3(a)(8)	09/01/2018
Pat Johnson, M.S.	11/28/2016	Forensic Chemistry (Austin) Article 38.01, Section 3(a)(1)	09/01/2017
Sarah Kerrigan, Ph.D.	11/28/2016	Forensic Toxicology (The Woodlands) Article 38.01, Section 3(a)(1)	09/01/2017
Jarvis Parsons, J.D.	11/28/2016	TDCAA--Prosecutor (Tarrant) Article 38.01, Section 3(a)(2).	09/01/2017

B. Annual Budget

The FSC’s annual budget was increased during the 83rd Legislative Session to \$500,000, and remained at the same level during the 84th Legislative Session. A copy of the FSC’s

projected budget (major categories) for FY2017 is attached as **Exhibit B**. The Commission will dedicate funds to the following critical priorities during FY2017: (1) funding of staff salary and overhead; (2) complaint and disclosure investigative activities; (3) management of accreditation program; (4) implementation of the Forensic Analyst Licensing Program; (5) statewide DNA mixture interpretation review and related training initiatives; (6) statewide bite mark analysis review; (7) wrap-up of the statewide hair microscopy review; and (8) collaborative training projects with the Texas Criminal Justice Integrity Unit (“TCJIU”) and other stakeholders. **Exhibit B** provides a breakdown of projected costs in major categories.

IV. Summary of Complaints and Disclosures

Commission staff receives complaints from a range of sources, including but not limited to attorneys (both defense and prosecution), current inmates and their families/friends, national advocacy groups, former laboratory employees, other laboratories and interested members of the public. The Commission relies upon accredited crime laboratories, interested members of the public, and its own commissioners to bring issues of concern to the Commission’s attention.

A. Complaint/Disclosure Tally

To date, the Commission has received a total of 157 complaints and 22 self-disclosures, and has disposed of 166 complaints and disclosures, either through dismissal, investigation and release of a report, and/or referral to another agency. Of the 179 total complaints and self-disclosures received, 68 were received from December 2, 2015 through the date of this report. The Commission currently has 13 open complaints/self-disclosures; this number includes 2 active investigations involving 3 cases, not including the discipline-specific reviews described in Section VII below. A complete spreadsheet detailing the disposition and status of each complaint is provided at **Exhibit C**.

B. Complaint/Disclosure Screening Process

Pursuant to Section 3 of the Commission's Policies and Procedures, the Commission's Complaint and Disclosure Screening Committee conducts an initial review of complaints and disclosures before each meeting. After discussion, the Committee makes a recommendation on what further action (if any) is merited for each complaint or self-disclosure received. The Committee's opinion is presented to the full Commission for consideration and deliberation during the quarterly meeting.

As previously described, the Commission may only review allegations of professional negligence or misconduct for those cases involving accredited crime laboratories and accredited forensic disciplines. The Commission receives many complaints falling outside those statutory requirements, and typically will only review cases involving unaccredited disciplines and entities if a majority of the Commission determines the review would be an effective use of public resources and is likely to benefit the criminal justice system in Texas. Many complaints are dismissed because they do not meet these standards. Other complaints are dismissed because they lack fundamental information or simply fail to state an actual complaint. Finally, the Commission must dismiss any complaint involving the portion of an autopsy conducted by a medical examiner or other forensic pathologist who is a licensed physician. *See* TEX. CODE CRIM. PROC. 38.01, § 2(4).

V. Summary of Pending Investigations

At this time, one complaint and one disclosure are pending investigation and release of a final report by the Commission: (1) a complaint by a Harris County Public Defender's Office Attorney ("HCPDO") requesting the Commission review forensic analysis and testimony related to blood spatter and gunshot residue in a cold case murder conviction; and (2) a self-disclosure

by the Harris County Institute of Forensic Sciences (“HCIFS”) related to an incident where a toxicologist falsely represented her credentials and training during courtroom testimony. A complete investigation and reports on both of these cases will be conducted and reviewed at the Commission’s upcoming quarterly meetings in 2017. Copies of the final reports will be published on the Commission’s website.

VI. Investigative Reports Released since December 2015

A. Southwestern Institute of Forensic Sciences – Complaint by defense attorney Frank Blazek (Firearm/Tool marks)

Defense attorney Frank Blazek (“Blazek”) filed this complaint on behalf of his client Joshua Ragston. Ragston was charged with capital murder in Grimes County, Texas. The murder victim was known to carry a .410/.45 caliber revolver, the same type of weapon with which the victim was shot several times. Investigators found no weapon at the crime scene. The State’s theory was that the perpetrators took the victim’s pistol, shot him with it and then left with the weapon.

A few months after the crime, a .410 Taurus revolver similar to that owned by the deceased was recovered on a roadside in a nearby county. Law enforcement submitted the weapon to a firearm/tool mark examiner at the Southwestern Institute of Forensic Sciences (“SWIFS”) for analysis. Based on a microscopic comparison of barrel rifling marks on three plastic shotshell wads recovered from autopsy to test-fired lead slugs, the examiner identified the Taurus weapon as having fired the bullets recovered from the deceased. The examiner’s analysis and conclusions were verified by the laboratory supervisor who also technically reviewed and approved the report and supporting examination records. Further police investigation determined the recovered Taurus weapon did not in fact belong to the deceased, but rather to a party unrelated to the investigation. In September 2012, the District Attorney resubmitted the same

weapon and bullets to SWIFS along with 3 exemplar weapons of the same make and model. The Examiner reanalyzed and compared additional test fires using shotshells with plastic wads. The Examiner concluded she could no longer confirm the weapon she originally identified as the murder weapon.

After deliberation and discussion of the complaint at its October 7, 2014 meeting, Commission members voted to retain firearm and tool mark expert John Murdock from John E. Murdock & Associates (“Murdock”) to review the case and issue an expert opinion.

At its April 2016 quarterly meeting the Commission accepted Murdock’s finding that the examiner was professionally negligent in attributing too much significance to a small amount of matching striae and by failing to use the appropriate test firing material. However, the true root cause of the error, the Commission found, was attributable to a series of quality breakdowns in the laboratory for which the examiner was only partially responsible, including the technical reviewer’s failure to identify the lack of sufficient matching striae or the need to use plastic test firing material instead of lead.

In addition to its negligence finding, the Commission made important recommendations that extend to other laboratories in Texas with firearm/tool mark sections such as, 1) selecting ammunition for test firing that is as close to the physical properties of the questioned items as possible, 2) exploring methods for implementing blind verification in pattern-matching disciplines, 3) better documentation of criteria for identification in case notes, including numbering of case notes and illustrating the basis for identifications with photographs, 4) making report language clear that an association or identification is not being made with absolute certainty, and 5) a recommendation that labs consider incorporating QCMS for striated tool mark comparison as a tool for use in addition to traditional pattern matching methodologies. For a

copy of the final report in this matter including details on the Commission’s findings and recommendations, please visit the Commission’s website [here](#).

B. Forensic Bitemark Comparison – Complaint by National Innocence Project on Behalf of Steven Mark Chaney

At its August 14, 2015 meeting, the Commission voted to investigate a complaint filed by the National Innocence Project on behalf of Steven Mark Chaney (“Chaney”). Chaney was convicted of murder and sentenced to life in prison in 1987. At Chaney’s trial, two forensic odontologists, Drs. Jim Hales and Homer Campbell, testified a mark on the victim’s forearm was a human bitemark that matched Chaney’s dentition. Dr. Campbell testified that Chaney made the bitemark to a reasonable degree of dental certainty while Dr. Hales testified that there was a “one to a million” chance someone other than Chaney inflicted the bitemark. In 2015, Chaney’s lawyers filed a writ of habeas corpus challenging his conviction after Dr. Jim Hales recanted his testimony. The Dallas County District Attorney’s Office agreed the bitemark evidence was unsupportable, and on October 12, 2015 Mr. Chaney was released from prison.

Also at its August 14, 2015 quarterly meeting, the Commission formed a Bitemark Investigation Panel chaired by commissioner Dr. Harvey Kessler to review the complaint. Under Dr. Kessler’s leadership, the Bitemark Panel focused its efforts on collecting and reviewing the existing scientific literature and data underlying bitemark comparison. Dr. Kessler sought input from the American Board of Forensic Odontologists (“ABFO”) and its members, as well as other interested forensic odontologists and criminal justice stakeholders.

After an extensive review and several meetings of the Bitemark Panel, the Commission adopted a final report in the case at its April 12, 2016 meeting. In its final report, the Commission made two threshold observations based upon its review: 1) there is no scientific basis for stating that a particular patterned injury can be associated to an individual’s dentition;

and 2) there is no scientific basis for assigning probability or statistical weight to an association, regardless of whether such probability or weight is expressed numerically (e.g., “one in a million”). Though these claims were once thought to be acceptable and have been admitted into evidence in criminal cases in and outside of Texas, it is now clear they lack any credible supporting data. After addressing these historical issues, the Commission turned its focus to the remaining questions facing the community and made the following conclusions: 1) at the current time, the overwhelming majority of existing research does not support the contention that bitemark comparison can be performed reliably and accurately from examiner to examiner due to the subjective nature of the analysis; and 2) in addition to the foundational scientific and research issues, the Commission noted significant quality control and infrastructure differences between forensic odontology and other patterned and impression disciplines. Finally, the Commission recommended bitemark comparison evidence not be admitted in criminal cases in Texas unless and until the following are established: 1) criteria for identifying when a patterned injury constitutes a human bitemark; 2) criteria for identifying when a human bitemark was made by an adult versus a child; and 3) rigorous and appropriately validated proficiency testing.

As part of its findings, the Commission also recommended a case review including a multidisciplinary team of forensic odontologists and attorneys to review criminal cases potentially impacted by bitemark comparison evidence. The Commission has formed the review team, including representatives from the ABFO, to conduct a case review. Further details about the case review can be found in **VII C.** of this report below. For a complete copy of the final report in the Chaney bitemark case, please visit the Commission’s website [here](#).

C. Forensic Video Analysis Height Determination – Complaint filed on behalf of George R. Powell, III.

On February 7, 2014, the Commission received a complaint from a friend of inmate George R. Powell, III (“Powell”) questioning the integrity and reliability of the forensic video analysis and testimony used to determine the robber’s height at trial. Along with the complaint form, the complainant provided the Commission with two expert reports, one used at Powell’s trial (“Knox Report”) and one from an expert hired by the defendant after trial (“Yonovitz Report”), each with very different conclusions about the height of the suspect in the video and very different methods for reaching their conclusions. Given the disparate conclusions and methodologies employed by the experts and the fact that the type of video analysis used in this case is commonly used in criminal courts, the Commission determined the complaint merited further review and formed an investigative panel at its July 2014 quarterly meeting.

At its October 7, 2014 quarterly meeting, Commissioners voted to retain forensic video expert Grant Fredericks (“Fredericks”) to review the two expert reports and advise the Commission on the integrity and reliability of the analyses. In his final report (“Fredericks Report”), Fredericks found the conclusions in both reports to be scientifically unsupportable for a number of reasons that are outlined in the Commission’s final report.

After a thorough investigation and a review of the Fredericks Report, the Commission concluded the original height determination issued in the Knox Report and related testimony was unsupportable. One of the Commission’s main concerns as outlined in its report recommendations included the fact that the qualifications and analytical methods of the forensic video analysts observed in this case were so vastly different, as were their conclusions. This fact alone gave the Commission pause and raised concerns as to the state of forensic video analysis

and its use to identify defendants in criminal cases. The Commission also found that the subjectivity involved in the different approaches to making a height determination raised questions about inter-analyst reliability within the discipline. The discipline has work to do on core issues such as developmental validation and publication of standards regarding testing methodology. Moreover, the lack of accreditation in the discipline leaves a gap in oversight for a rapidly growing and valuable forensic discipline. For a complete copy of the Commission's final report in the Powell case, including details on the Commission's findings and recommendations, please visit the Commission's website [here](#).

VII. Discipline Specific Reviews

A. Microscopic Hair Analysis

1. Background

The Federal Bureau of Investigation (FBI) has been in the process of reviewing testimony in criminal cases containing microscopic hair comparisons with positive associations made by its examiners before 1999. The FBI conducted this review to ensure that testimony at trial properly reflected the limits of the underlying science. For several decades, the FBI assisted state and local crime laboratories in training hair examiners, including some examiners in Texas, by providing a one-week course on microscopic hair analysis.

The fact that Texas examiners received some of their training from the FBI *does not necessarily mean* they made statements of concern similar to those in the FBI review. Nonetheless, Texas crime laboratory directors determined the most prudent course would be to review a sampling of cases at the state and local level to determine whether the issues identified by the FBI are also present in testimony provided by examiners from Texas laboratories.

2. Texas Review

At its quarterly meeting on July 12, 2013, the Texas Forensic Science Commission discussed the FBI's review. Commission staff then sent a survey to Texas laboratories to identify the number of laboratories that performed microscopic hair analysis and assess what level of resources would be needed to review their cases.

At its November 1, 2013 meeting, the Commission appointed an investigative panel to coordinate a case review. The panel held an initial meeting at the Department of Public Safety Regional Crime Laboratory in Houston on November 22, 2013, during which members sought input on the best way to approach the review from Texas laboratories that have performed microscopic hair analysis.

At its January 10, 2014 meeting, the panel reported to the full Commission regarding the feedback received at the November meeting of crime laboratory directors in Houston. The Commission instructed the panel to bring together subject matter experts and attorneys in the form of a Hair Microscopy Review Team for the purpose of advising the panel and the full Commission on a process and criteria for reviewing cases.

3. The Hair Microscopy Review Team

The Hair Microscopy Review Team consists of subject matter experts nominated by the Texas Association of Crime Laboratory Directors as well as defense attorneys, prosecutors and a representative from the Innocence Project of Texas. The team consists of the following individuals:

1. Sandy Parent (Texas Department of Public Safety)
2. Baldwin Chin (Harris County District Attorney's Office)
3. Deborah Lind (Pasadena Police Department Crime Laboratory)
4. Michael Martinez (Bexar County Crime Laboratory)
5. Jack Roady (Galveston County Criminal District Attorney)
6. Melissa Valadez (Department of Public Safety Crime Laboratory)

7. Bruce Anton (Innocence Project of Texas)
8. Bob Wicoff (Harris County Public Defender's Office)

4. Scope of Review

The review team's scope of work is to advise the Commission regarding the following areas: (1) review process flow; (2) review criteria; (3) individual case reviews and outcomes; and (4) educational lessons learned from the review. The review team does not make decisions for or represent the panel or the Commission as a whole. All guidance offered by the review team is subject to deliberation at panel meetings and full Commission meetings that are open to the public.

The review panel has limited its review of cases to those in which an individual was convicted of a crime, there was a positive, probative association made by a hair examiner in a laboratory report, the association was in any way significant to the outcome, and the examiner provided subsequent testimony as an expert witness at trial. The team asks the following questions regarding the cases it reviews:

1. Did the report or testimony contain a statement of identification?
2. Did the report or testimony assign probability or statistical weight?
3. Did the report or testimony contain any other potentially misleading statements or inferences?

If the answer to any of these questions is affirmative, the Commission notifies interested parties of the review team's specific findings.² The Commission has worked collaboratively with the Texas Criminal Justice Integrity Unit under the leadership of Texas Criminal Court of Appeals Judge Barbara Hervey to ensure a robust notification protocol is established for any

² *The Commission is not a court of law and therefore will not make any legal determinations regarding the materiality of the reports and/or testimony reviewed to any specific criminal case outcome. To the extent the review raises potential legal issues in individual criminal cases, those issues will be resolved by Texas courts of competent jurisdiction. If the Commission identifies deficiency in the microscopic hair analysis results or testimony provided in a given case, that fact alone should not be interpreted as a commentary on the guilt or innocence of any individual.*

cases for which the review team identifies potential issues with the laboratory report and/or expert testimony rendered at trial.

5. Case Review Status

Under a sub-sampling approach agreed upon by stakeholders, state and local labs submitted a total of 693 cases representing an estimated one-quarter of the total hair microscopy cases conducted statewide. Research on LexisNexis and Westlaw resulted in a second list of 120 cases. The Hair Review Team reviewed the lab reports to screen for only those cases where a positive probative association was made. Positive probative association screening reduced the list of 693 cases down to 287 total cases.

Commission staff is actively screening the 287 cases involving positive probative associations to identify those cases where a conviction was obtained, and more specifically, where the hair examiner offered testimony at trial. 79 cases were identified for trial transcript review and trial transcripts were obtained for review.

Volunteer attorneys from Latham & Watkins, LLP in Houston are assisting the review team with transcript screening for cases with positive, probative associations. Commission staff attorney Nick Vilbas and Hair Review Team members Melissa Valadez and Bob Wicoff provided transcript review training at Latham & Watkins on October 28, 2015. At this time, Latham & Watkins has reviewed and summarized 39 cases. The Commission hopes to wrap up its review of hair microscopy cases and issue a final report following its February 2017 quarterly meeting.

B. DNA Mixture Interpretation Analysis

1. Background

In May 2015, the Federal Bureau of Investigation (FBI) issued a notification to laboratories around the country stating it had identified certain errors in the database used by

laboratories to calculate DNA match statistics in criminal cases. As described on the FSC's website [here](#), the statistical impact of those errors was minimal as demonstrated through empirical studies at the national and state level.

In an abundance of caution, Texas laboratories notified prosecutors they would re-calculate statistics for any case using the corrected data. Some prosecutors requested new reports reflecting the re-calculations, particularly for cases currently scheduled for trial. The reports confirmed the statistical insignificance of the FBI database errors.

However, when the amended reports were issued some prosecutors noticed a significant difference in statistical results for a few of their cases, such as a change from an inclusion or "cannot be excluded" result with an accompanying population statistic to an inconclusive result, or a major change in a population statistic. When the affected prosecutors inquired how this type of change could be possible when the FBI database issues were supposed to be *statistically minimal*, they were informed the changes were attributable not to the FBI database corrections but rather to changes in mixture interpretation protocols over time.

While some variation in laboratory interpretation policies and protocols is acceptable and to be expected, mixture interpretation protocols in years past may not have adequately considered certain important scientific limitations, such as allele dropout, stutter, allele stacking, allele masking and other stochastic effects. To be clear, this is by no means isolated to Texas but rather an issue in laboratories nationwide and it does not impact every laboratory or every case involving DNA analysis. Some cases may have a significantly changed statistic when reviewed, some may have minor and insignificant changes while others may have no changes at all.

2. Action Taken

Over the past year, the Commission has actively engaged with stakeholders including representatives from the Texas District and County Attorney's Association, the Texas Criminal Defense Lawyer's Association, the Office of the Governor, Office of the Attorney General, the Texas Commission on Indigent Defense, the various law school innocence clinics, the forensic laboratories, the Center for the Judiciary, the Criminal Justice Integrity Unit and others to ensure accurate and appropriate implementation of mixture interpretation principles and protocols, notification of potentially affected defendants, triage of casework and establishment of county resources for indigent defense in cases that may have been impacted. The Commission has also sought and received guidance from some of the best experts on DNA issues in the world (click [here](#) for brief biographies). Not all DNA cases will have changed statistics and not all changed statistics will be material to the case outcome.

3. DNA Mixture Interpretation Case Review

In light of the Commission's findings related to mixture interpretation protocols that may not have adequately considered certain important scientific limitations, such as allele dropout, stutter, allele stacking, allele masking and other stochastic effects, the Commission felt it prudent to initiate a statewide review of DNA mixture interpretation cases.

a. Notification and Screening Process

As part of a recommended notification process, the Commission requested all criminal DNA testing laboratories in the State provide DNA mixture lists of cases analyzed since the inception of STR testing to the affected prosecuting agencies for review and notification where appropriate. With Judge Hervey's assistance, the Commission also published a notice in Texas prison libraries describing the DNA mixture interpretation issues and providing inmates

with information on submitting their case for review and/or reanalysis. For a flowchart of the complete case review process and further details, please visit the following [link](#).

b. Case Review Status Update

With the exception of Tarrant and Travis counties, which are managing their own reviews, the statewide DNA mixture interpretation case review is currently managed by Bob Wicoff, Chief of the Appellate Division of the Harris County Public Defender's Office. The work is 100% funded by a grant from the Texas Commission on Indigent Defense. Wicoff and a team of lawyers have received approximately 950 requests for review and/or re-analysis of cases from letters and forms received from inmates. About 400 of those cases have been resolved so far. The Houston-based law firm Latham & Watkins has generously provided attorney time to assist in the review of these cases.

By focusing on a collaborative approach and triaging cases, Texas has emerged as a leader for other states that are beginning to contend with similar issues in DNA mixture interpretation and corresponding case reviews.

4. Austin Police Department DNA Section Audit Report and Recommendations

In May 2016, in response to issues identified after reviewing laboratory protocols and a sample set of DNA mixture cases from the Austin Police Department Crime Lab's DNA Section "APD", the Commission conducted an on-site audit at APD. The audit revealed a number of concerns that led lab management to voluntarily amend its scope of accreditation to temporarily suspend forensic DNA analysis, including biology screening. The suspension will continue until the lab addresses the Commission's findings as well as re-trains and re-qualifies its analysts to acceptable standards and/or hires additional highly qualified DNA analysts. The laboratory is currently working to address all of the concerns as outlined in the Commission's final audit

report. For a complete copy of the audit report, including details regarding the Commission's findings and recommendations, please visit the Commission's website [here](#).

VIII. Forensic Development Activities

A. DNA Mixture Trainings: Scientists, Lawyers and Judges

The Commission provided training by Dr. Bruce Budowle of the University of North Texas Health Science Center for approximately 20 DNA analysts during the annual AFDA meeting on July 31, 2015. The focus of the discussion was lessons learned and case examples from an audit of the Washington, DC crime laboratory regarding issues in mixture interpretation raised by the United States Attorney's office. From November 19-20, 2015, the Commission offered a subsequent training for 60 DNA analysts on technical issues in mixture interpretation. Faculty included Dr. Bruce Budowle, Dr. John Buckleton (New Zealand ESR and visiting scientist at NIST) and Dr. Simone Gittelson (NIST). Dr. Simone Gittelson provided three additional training workshops for analysts in Texas in January 2016 in Austin, Fort Worth and Houston.

The Commission has also provided Web-based training for TCDLA and TDCAA and two regional DNA mixture training for lawyers and judges, one in Plano and one in San Antonio, in 2016. The Commission plans to have at least two additional DNA mixture trainings in different regions of the State, one in West Texas and one in East Texas. All training initiatives are a collaborative effort and possible with the input and financial support of the Texas Court of Criminal Appeals, which administers grant money for training in the criminal justice system. In addition to the regional DNA mixture trainings the Commission's General Counsel, Lynn Garcia, has trained lawyers on DNA mixture issues across the state at the Center for American

and International Law as well as various conferences and district attorneys offices by special request.

B. DNA Mixture Guidance Document Published in BioMed Central

In August 2016, the Commission funded the open access publication of an important journal article explaining the scientific issues with DNA mixture interpretation in the medical journal BioMed Central. The article, written by experts Drs. Frederick Bieber, John Buckleton, Bruce Budowle, John Butler and Michael Coble, describes the interpretational challenges of forensic DNA mixture evidence due to increasingly complex mixture evidence. The article details variations in statistical approaches used to evaluate the strength of evidence when inclusion of a specific known individual(s) is determined and emphasizes that the approach used must be scientifically supportable. The article was critically important to explaining the scientific support analysts must obtain in analyzing such complex mixtures. For a copy of the article, please visit the following [link](#).

C. Working Group on Forensic Science Notifications and Disclosures

In response to questions from crime laboratories for clarification related to constitutional and statutory notification and disclosure obligations of forensic laboratories, the Commission has formed a working group consisting of laboratory representatives, prosecutors and judges to establish a model disclosure policy for laboratories and prosecuting offices related to notification and disclosure of forensic science nonconformances. The group met for the first time in November 2016 and plans to address questions about both laboratory self-disclosures to the Commission and the notification requirements—including questions about what laboratory incidents should be disclosed and when. Updates on the project including a draft model policy will be available on the Commission's website in the near term.

IX. Forensic Reform at the National Level

A. President’s Council of Advisors on Science and Technology’s Report on Scientific Validity of Expert Testimony

In September 2016, the President’s Council of Advisors on Science and Technology (“PCAST”) released a report on forensic science in criminal courts, including observations regarding the scientific validity of feature-comparison methods. The report commented that for a forensic feature comparison method to be “foundationally valid,” there needs to be actual empirical evidence of its reliability and estimates of its accuracy. The PCAST report focused on the following forensic disciplines—DNA mixture interpretation, bitemark comparisons, latent prints, firearms and footwear impression analysis. For a link to the PCAST report please click [here](#).

B. National Commission on Forensic Science

In February 2013, the U.S. Department of Justice (“DOJ”) and the U.S. Department of Commerce’s National Institute of Standards and Technology (“NIST”) established a National Commission on Forensic Science (“NCFS”). The NCFS is composed of approximately 30 members, including practitioners, researchers, prosecutors, defense attorneys, judges and other members of the criminal justice community. The NCFS is responsible for providing guidance concerning the intersection between forensic science and the courtroom, as well as developing key policy recommendations. Two representatives from Texas were appointed to the NCFS, The Honorable Judge Barbara Hervey from the Texas Court of Criminal Appeals, and Dr. Vincent J. Di Maio, former Chief Medical Examiner of Bexar County and recent past Presiding Officer of the Texas Forensic Science Commission. For a full list of members and more information about the NCFS’s work thus far, please visit <http://www.justice.gov/ncfs>.

C. Organization of Scientific Area Committees

In February 2014, the National Institute for Standards and Technology and the U.S. Department of Justice announced the formation of the Organization of Scientific Area Committees (“OSAC”) to strengthen forensic science standards in the United States. The OSAC is a collaborative body of 500 forensic science practitioners and other stakeholders tasked with supporting the development and promulgation of forensic science standards and guidelines, and to ensure a sufficient scientific basis exists for each forensic discipline. Many representatives from Texas have been selected for OSAC subcommittees. Commission member Dr. Sarah Kerrigan is a member of the Forensic Science Standards Board. For a full list of members and more detailed information related to the roles of the various subcommittees click the following link <http://www.nist.gov/forensics/osacroles.cfm>.

X. Additional Items Required in Annual Report by Statute

There are two items in the Commission’s statute for which the Commission does not have any recommendations at this time. The first is “a description of any specific forensic method or methodology the Commission designates as part of the accreditation process for crime laboratories...”³ The second involves recommendations for “best practices concerning the definition of ‘forensic analysis’ provided by statute or by rule.”⁴ The Commission has not identified any disciplines, methods or methodology that should be recommended for accreditation that are not already covered by the Commission’s accreditation program. Similarly, the Commission has not identified any recommendations regarding the definition of “forensic analysis.” The Commission may revise its conclusions on these issues as necessary to ensure the advancement of forensic science in Texas.

³ [TEX. CODE CRIM. PROC. art 38.01 § 8.](#)

⁴ [Id.](#)

XI. Meeting Broadcasts and Public Information Act Requests

The Commission began live-streaming its meetings in July 2013. Members of the public may now watch quarterly meetings online at www.fsc.texas.gov/meetings. Though live-streaming of meetings is not required under Texas law, the Commission plans to offer this service for as many quarterly meetings as possible to encourage public participation and transparency. Note that previously recorded Commission meetings may also be accessed on the Commission's website.

Pursuant to the Public Information Act, Texas Government Code, Chapter 552, the Texas Forensic Science Commission accepts public information requests for information currently existing in its records. The Commission accepts requests via email at info@fsc.texas.gov, via facsimile at 1(888) 305-2432, or via regular U.S. mail. You may access the public information request form on the Commission's website at <http://www.fsc.texas.gov/pia-requests>.

If you have any questions about meeting broadcasts or how to submit a public information request to the Commission, please feel free to contact our office.

EXHIBIT A

Tex. Code Crim. Proc. Art. 38.01

This document is current through the 2015 regular session, 84th Legislature.

Texas Statutes & Codes Annotated by LexisNexis® > Code of Criminal Procedure > Title 1 Code of Criminal Procedure of 1965 > Trial and Its Incidents > Chapter 38 Evidence in Criminal Actions

Art. 38.01. Texas Forensic Science Commission.

Sec. 1. Creation. — The Texas Forensic Science Commission is created.

Sec. 2. Definitions. — In this article:

- (1) “Accredited field of forensic science” means a specific forensic method or methodology validated or approved by the commission under this article.
- (2) “Commission” means the Texas Forensic Science Commission.
- (3) “Crime laboratory” has the meaning assigned by Article 38.35.
- (4) “Forensic analysis” means a medical, chemical, toxicologic, ballistic, or other expert examination or test performed on physical evidence, including DNA evidence, for the purpose of determining the connection of the evidence to a criminal action, except that the term does not include the portion of an autopsy conducted by a medical examiner or other forensic pathologist who is a licensed physician.
- (5) [2 Versions: As Added by Acts 2015, 84th Leg., ch. 1215 “Office of capital and forensic writs” means the office of capital and forensic writs established under Subchapter B, Chapter 78, Government Code.
- (5) [2 Versions: As Added by Acts 2015, 84th Leg., ch. 1276 “Physical evidence” has the meaning assigned by Article 38.35.

Sec. 3. Composition.

- (a) The commission is composed of nine members appointed by the governor as follows:
 - (1) two members who must have expertise in the field of forensic science;
 - (2) one member who must be a prosecuting attorney that the governor selects from a list of 10 names submitted by the Texas District and County Attorneys Association;
 - (3) one member who must be a defense attorney that the governor selects from a list of 10 names submitted by the Texas Criminal Defense Lawyers Association;
 - (4) one member who must be a faculty member or staff member of The University of Texas who specializes in clinical laboratory medicine that the governor selects from a list of five names submitted by the chancellor of The University of Texas System;
 - (5) one member who must be a faculty member or staff member of Texas A&M University who specializes in clinical laboratory medicine that the governor selects from a list of five names submitted by the chancellor of The Texas A&M University System;
 - (6) one member who must be a faculty member or staff member of Texas Southern University that the governor selects from a list of five names submitted by the chancellor of Texas Southern University;
 - (7) one member who must be a director or division head of the University of North Texas Health Science Center at Fort Worth Missing Persons DNA Database; and

Tex. Code Crim. Proc. Art. 38.01

- (8) one member who must be a faculty or staff member of the Sam Houston State University College of Criminal Justice and have expertise in the field of forensic science or statistical analyses that the governor selects from a list of five names submitted by the chancellor of the Texas State University System.
- (b) Each member of the commission serves a two-year term. The terms expire on September 1 of:
 - (1) each odd-numbered year, for a member appointed under Subsection (a)(1), (2), (3), or (4); and
 - (2) each even-numbered year, for a member appointed under Subsection (a)(5), (6), (7), or (8).
- (c) The governor shall designate a member of the commission to serve as the presiding officer.

Sec. 3-a. Rules. The commission shall adopt rules necessary to implement this article.

Sec. 4. Duties.

- (a) The commission shall:
 - (1) develop and implement a reporting system through which a crime laboratory may report professional negligence or professional misconduct;
 - (2) require a crime laboratory that conducts forensic analyses to report professional negligence or professional misconduct to the commission; and
 - (3) investigate, in a timely manner, any allegation of professional negligence or professional misconduct that would substantially affect the integrity of the results of a forensic analysis conducted by a crime laboratory.
- (a-1) The commission may initiate for educational purposes an investigation of a forensic analysis without receiving a complaint, submitted through the reporting system implemented under Subsection (a)(1), that contains an allegation of professional negligence or professional misconduct involving the forensic analysis conducted if the commission determines by a majority vote of a quorum of the members of the commission that an investigation of the forensic analysis would advance the integrity and reliability of forensic science in this state.
- (b) If the commission conducts an investigation under Subsection (a)(3) of a crime laboratory that is accredited under this article pursuant to an allegation of professional negligence or professional misconduct involving an accredited field of forensic science, the investigation:
 - (1) must include the preparation of a written report that identifies and also describes the methods and procedures used to identify:
 - (A) the alleged negligence or misconduct;
 - (B) whether negligence or misconduct occurred;
 - (C) any corrective action required of the laboratory, facility, or entity;
 - (D) observations of the commission regarding the integrity and reliability of the forensic analysis conducted;
 - (E) best practices identified by the commission during the course of the investigation; and
 - (F) other recommendations that are relevant, as determined by the commission; and
 - (2) may include one or more:
 - (A) retrospective reexaminations of other forensic analyses conducted by the laboratory, facility, or entity that may involve the same kind of negligence or misconduct; and
 - (B) follow-up evaluations of the laboratory, facility, or entity to review:
 - (i) the implementation of any corrective action required under Subdivision (1)(C); or
 - (ii) the conclusion of any retrospective reexamination under Paragraph (A).
- (b-1) If the commission conducts an investigation under Subsection (a)(3) of a crime laboratory that is not accredited under this article or the investigation is conducted pursuant to an allegation involving a forensic method or

Tex. Code Crim. Proc. Art. 38.01

methodology that is not an accredited field of forensic science, the investigation may include the preparation of a written report that contains:

- (1) observations of the commission regarding the integrity and reliability of the forensic analysis conducted;
- (2) best practices identified by the commission during the course of the investigation; or
- (3) other recommendations that are relevant, as determined by the commission.

(b-2) If the commission conducts an investigation of a forensic analysis under Subsection (a-1), the investigation must include the preparation of a written report that contains:

- (1) observations of the commission regarding the integrity and reliability of the forensic analysis conducted;
- (2) best practices identified by the commission during the course of the investigation; and
- (3) other recommendations that are relevant, as determined by the commission.

- (c) The commission by contract may delegate the duties described by Subsections (a)(1) and (3) to any person the commission determines to be qualified to assume those duties.
- (d) The commission may require that a crime laboratory investigated under this section pay any costs incurred to ensure compliance with Subsection (b), (b-1), or (b-2).
- (e) The commission shall make all investigation reports completed under Subsection (b), (b-1), or (b-2) available to the public. A report completed under Subsection (b), (b-1), or (b-2), in a subsequent civil or criminal proceeding, is not prima facie evidence of the information or findings contained in the report.
- (f) The commission may not make a determination of whether professional negligence or professional misconduct occurred or issue a finding on that question in an investigation initiated under Subsection (a-1) or for which an investigation report may be prepared under Subsection (b-1).
- (g) The commission may not issue a finding related to the guilt or innocence of a party in an underlying civil or criminal trial involving conduct investigated by the commission under this article.
- (h) The commission may review and refer cases that are the subject of an investigation under Subsection (a)(3) or (a-1) to the office of capital and forensic writs in accordance with Section 78.054(b), Government Code.

Sec. 4-a. Forensic analyst licensing.

- (a) Notwithstanding Section 2, in this section:
 - (1) "Forensic analysis" has the meaning assigned by Article 38.35.
 - (2) "Forensic analyst" means a person who on behalf of a crime laboratory accredited under this article technically reviews or performs a forensic analysis or draws conclusions from or interprets a forensic analysis for a court or crime laboratory. The term does not include a medical examiner or other forensic pathologist who is a licensed physician.
- (b) **[Effective January 1, 2019]** A person may not act or offer to act as a forensic analyst unless the person holds a forensic analyst license. The commission by rule may establish classifications of forensic analyst licenses if the commission determines that it is necessary to ensure the availability of properly trained and qualified forensic analysts to perform activities regulated by the commission.
- (c) The commission by rule may establish voluntary licensing programs for forensic disciplines that are not subject to accreditation under this article.
- (d) The commission by rule shall:
 - (1) establish the qualifications for a license that include:
 - (A) successful completion of the education requirements established by the commission;
 - (B) specific course work and experience, including instruction in courtroom testimony and ethics in a crime laboratory;

Tex. Code Crim. Proc. Art. 38.01

- (C) successful completion of an examination required or recognized by the commission; and
- (D) successful completion of proficiency testing to the extent required for crime laboratory accreditation;
- (2) set fees for the issuance and renewal of a license; and
- (3) establish the term of a forensic analyst license.
- (e) The commission by rule may recognize a certification issued by a national organization in an accredited field of forensic science as satisfying the requirements established under Subsection (d)(1)(C) to the extent the commission determines the content required to receive the certification is substantially equivalent to the content of the requirements under that subsection.
- (f) The commission shall issue a license to an applicant who:
 - (1) submits an application on a form prescribed by the commission;
 - (2) meets the qualifications established by commission rule; and
 - (3) pays the required fee.

Sec. 4-b. Advisory Committee.

- (a) The commission shall establish an advisory committee to advise the commission and make recommendations on matters related to the licensing of forensic analysts under Section 4-a.
- (b) The advisory committee consists of nine members as follows:
 - (1) one prosecuting attorney recommended by the Texas District and County Attorneys Association;
 - (2) one defense attorney recommended by the Texas Criminal Defense Lawyers Association; and
 - (3) seven members who are forensic scientists, crime laboratory directors, or crime laboratory quality managers, selected by the commission from a list of 20 names submitted by the Texas Association of Crime Laboratory Directors.
- (c) The commission shall ensure that appointments under Subsection (b)(3) include representation from municipal, county, state, and private crime laboratories that are accredited under this article.
- (d) The advisory committee members serve staggered two-year terms, with the terms of four or five members, as appropriate, expiring on August 31 of each year. An advisory committee member may not serve more than two consecutive terms. A vacancy on the advisory committee is filled by appointing a member in the same manner as the original appointment to serve for the unexpired portion of the term.
- (e) The advisory committee shall elect a presiding officer from among its members to serve a one-year term. A member may serve more than one term as presiding officer.
- (f) The advisory committee shall meet annually and at the call of the presiding officer or the commission.
- (g) An advisory committee member is not entitled to compensation. A member is entitled to reimbursement for actual and necessary expenses incurred in performing duties as a member of the advisory committee subject to the General Appropriations Act.
- (h) Chapter 2110, Government Code, does not apply to the advisory committee.

Sec. 4-c. Disciplinary Action.

- (a) On a determination by the commission that a license holder has committed professional misconduct under this article or violated this article or a rule or order of the commission under this article, the commission may:
 - (1) revoke or suspend the person's license;
 - (2) refuse to renew the person's license; or
 - (3) reprimand the license holder.

Tex. Code Crim. Proc. Art. 38.01

- (b) The commission may place on probation a person whose license is suspended. If a license suspension is probated, the commission may require the license holder to:
 - (1) report regularly to the commission on matters that are the basis of the probation; or
 - (2) continue or review continuing professional education until the license holder attains a degree of skill satisfactory to the commission in those areas that are the basis of the probation.
- (c) Disciplinary proceedings of the commission are governed by Chapter 2001, Government Code. A hearing under this section shall be conducted by an administrative law judge of the State Office of Administrative Hearings.

Sec. 4-d. Crime Laboratory Accreditation Process.

- (a) Notwithstanding Section 2, in this section “forensic analysis” has the meaning by Article 38.35.
- (b) The commission by rule:
 - (1) shall establish an accreditation process for crime laboratories and other entities conducting forensic analyses of physical evidence for use in criminal proceedings; and
 - (2) may modify or remove a crime laboratory exemption under this section if the commission determines that the underlying reason for the exemption no longer applies.
- (b-1) As part of the accreditation process established and implemented under Subsection (b), the commission may:
 - (1) establish minimum standards that relate to the timely production of a forensic analysis to the agency requesting the analysis and that are consistent with this article and applicable laws;
 - (2) validate or approve specific forensic methods or methodologies; and
 - (3) establish procedures, policies, and practices to improve the quality of forensic analyses conducted in this state.
- (b-2) The commission may require that a laboratory, facility, or entity required to be accredited under this section pay any costs incurred to ensure compliance with the accreditation process.
- (b-3) A laboratory, facility, or entity that must be accredited under this section shall, as part of the accreditation process, agree to consent to any request for cooperation by the commission that is made as part of the exercise of the commission’s duties under this article.
- (c) The commission by rule may exempt from the accreditation process established under Subsection (b) a crime laboratory conducting a forensic analysis or a type of analysis, examination, or test if the commission determines that:
 - (1) independent accreditation is unavailable or inappropriate for the laboratory or the type of analysis, examination, or test performed by the laboratory;
 - (2) the type of analysis, examination, or test performed by the laboratory is admissible under a well-established rule of evidence or a statute other than Article 38.35;
 - (3) the type of analysis, examination, or test performed by the laboratory is routinely conducted outside of a crime laboratory by a person other than an employee of the crime laboratory; or
 - (4) the laboratory:
 - (A) is located outside this state or, if located in this state, is operated by a governmental entity other than the state or a political subdivision of the state; and
 - (B) was accredited at the time of the analysis under an accreditation process with standards that meet or exceed the relevant standards of the process established under Subsection (b).
- (d) The commission may at any reasonable time enter and inspect the premises or audit the records, reports, procedures, or other quality assurance matters of a crime laboratory that is accredited or seeking accreditation under this section.

- (e) The commission may collect costs incurred under this section for accrediting, inspecting, or auditing a crime laboratory.
- (f) If the commission provides a copy of an audit or other report made under this section, the commission may charge \$6 for the copy, in addition to any other cost permitted under Chapter 552, Government Code, or a rule adopted under that chapter.

Sec. 5. Reimbursement. — A member of the commission may not receive compensation but is entitled to reimbursement for the member's travel expenses as provided by Chapter 660, Government Code, and the General Appropriations Act.

Sec. 6. Assistance. — The Texas Legislative Council, the Legislative Budget Board, and The University of Texas at Austin shall assist the commission in performing the commission's duties.

Sec. 7. Submission. — The commission shall submit any report received under Section 4(a)(2) and any report prepared under Section 4(b)(1) to the governor, the lieutenant governor, and the speaker of the house of representatives not later than December 1 of each even-numbered year.

Sec. 8. Annual Report. — Not later than December 1 of each year, the commission shall prepare and publish a report that includes:

- (1) a description of each complaint filed with the commission during the preceding 12- month period, the disposition of each complaint, and the status of any complaint still pending on December 31;
- (2) a description of any specific forensic method or methodology the commission designates as part of the accreditation process for crime laboratories established by rule under this article;
- (3) recommendations for best practices concerning the definition of "forensic analysis" provided by statute or by rule;
- (4) developments in forensic science made or used in other state or federal investigations and the activities of the commission, if any, with respect to those developments; and
- (5) other information that is relevant to investigations involving forensic science, as determined by the presiding officer of the commission.

Sec. 9. Administrative Attachment to Sam Houston State University.

- (a) The commission is administratively attached to Sam Houston State University.
- (b) The Board of Regents of the Texas State University System shall provide administrative support to the commission as necessary to carry out the purposes of this article.
- (c) Only the commission may exercise the duties of the commission under this article. Except as provided by Subsection (b), neither the Board of Regents of the Texas State University System nor Sam Houston State University has any authority or responsibility with respect to the duties of the commission under this article.

Sec. 10. Open Records Limitation. — Information that is filed as part of an allegation of professional misconduct or professional negligence or that is obtained during an investigation of an allegation of professional misconduct or professional negligence is not subject to release under Chapter 552, Government Code, until the conclusion of an investigation by the commission under Section 4.

Sec. 11. Report Inadmissible As Evidence. — A written report prepared by the commission under this article is not admissible in a civil or criminal action.

Sec. 12. Collection of Certain Forensic Evidence. The commission shall establish a method for collecting DNA and other forensic evidence related to unidentified bodies located less than 120 miles from the Rio Grande River.

History

Acts 2005, 79th Leg., ch. 1224 (H.B. 1068), § 1, effective September 1, 2005; am. Acts 2013, 83rd Leg., ch. 782 (S.B. 1238), §§ 1—4, effective June 14, 2013; am. Acts 2015, 84th Leg., ch. 1215 (S.B. 1743), §§ 8, 9, effective September 1, 2015; am. Acts 2015, 84th Leg., ch. 1276 (S.B. 1287), §§ 1—7, effective September 1, 2015.

Annotations

Notes

STATUTORY NOTES

Editor's Notes.

A former art. 38.01, Rules of Common Law, as added by Acts 1965, 59th Leg., ch. 722 (S.B. 107), § 1 was repealed by the Texas Court of Criminal Appeals pursuant to Acts 1985, 69th Leg., ch. 685 (H.B. 13), § 9.

Acts 2013, 83rd Leg., ch. 782 (S.B. 1238), § 7 provides: “The term of a person appointed under former Subdivision (3), Subsection (a), Section 3, Article 38.01, Code of Criminal Procedure, as that law existed immediately before the effective date of this Act [September 1, 2013], expires September 1, 2014, and the governor shall appoint a person to fill each vacancy on that date in accordance with Subdivisions (7) and (8), Subsection (a), Section 3, Article 38.01, Code of Criminal Procedure, as amended by this Act. On the expiration of a term under former Subdivision (1) or (2), Subsection (a), Section 3, Article 38.01, Code of Criminal Procedure, as that law existed immediately before the effective date of this Act, the governor shall appoint a person to fill each vacancy in accordance with Subdivision (1), (2), (3), (4), (5), or (6), Subsection (a), Section 3, Article 38.01, Code of Criminal Procedure, as amended by this Act, as applicable.”

Acts 2013, 83rd Leg., ch. 782 (S.B. 1238), § 8 provides: “Not later than December 1, 2014, the Texas Forensic Science Commission shall submit the first annual report required by Section 8, Article 38.01, Code of Criminal Procedure, as added by this Act.”

Effect of amendments.

2013 amendment, rewrote Section 2, which read: “Definition. —In this article, ‘forensic analysis’ has the meaning assigned by Article 38.35(a).”; in Section 3, rewrote (a), pertaining to the composition of member in the commission and rewrote (b), which read: “Each member of the commission serves a two-year term. The term of the members appointed under Subsections (a)(1) and (2) expires on September 1 of each odd-numbered year. The term of the members appointed under Subsection (a)(3) expires on September 1 of each even-numbered year.”; in Section 4, substituted “a crime laboratory may” for “accredited laboratories, facilities, or entities” in (a)(1), added “professional” after “negligence or” in (a)(1), (a)(2), and (a)(3), substituted “a crime laboratory” for “all laboratories, facilities, or entities” in (a)(2), substituted “a crime laboratory” for “an accredited laboratory, facility, or entity” in (a)(3), added (a-1), (b)(1)(D), (b)(1)(E), (b)(1)(F), (b-1), (b-2), (f), and (g), in the introductory language of (b), added “If the commission conducts” and “of a crime laboratory that is accredited by the Department of Public Safety under Section 411.0205, Government Code, pursuant to an allegation of professional negligence or professional misconduct involving an accredited field of forensic science, the investigation”; substituted “crime laboratory” for “laboratory, facility, or entity” in (d), and substituted “Subsection (b), (b-1), or (b-2)” for “Subsection (b)(1)” throughout (d) and (e); added Sections 8 through 11; and made related changes.

2015 amendment, by ch. 1215, added Section 2(5) and Section 4(h).

Opinion Notes

LexisNexis® Notes

OPINIONS OF ATTORNEY GENERAL

Investigative Authority.

Tex. Code Crim. Proc. Art. 38.01

1. By the plain language of Tex. Code Crim. Proc. Ann. art. 38.01, § 4(a)(3), the Texas Forensic Science Commission does not have investigative authority over evidence tested or offered into evidence before September 1, 2005. Tex. Op. Att’y Gen. GA-0866 (2011).
2. The Forensic Science Commission’s investigative authority under Tex. Code Crim. Proc. Ann. art. 38.01, § 4(a)(3) is limited to those laboratories, facilities, or entities that were accredited by the Department of Public Safety at the time the forensic analyses took place. Tex. Op. Att’y Gen. GA-0866 (2011).
3. The Forensic Science Commission (“FSC”) may not investigate fields of forensic analysis expressly excluded from the statutory definition of “forensic analysis”; forensic analysis that is neither expressly included nor excluded, but that falls under the generic definition of “forensic analysis” found in Tex. Code Crim. Proc. Ann. art. 38.35(a)(4), is generally subject to FSC investigation, assuming all other statutory requirements are satisfied. Tex. Op. Att’y Gen. GA-0866 (2011).

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End of Document

EXHIBIT B

Budget Projection Report FY17

Category	Description	Projected	% Total Budget
<i>FY 17 EXPENDITURES</i>			
Staff salaries (all labor costs for 3 full-time employees and one part-time employee)		280,039.92	56.01%
Travel - FSC Meetings & Licensing Panel Mtgs.		25,000.00	5.00%
Travel/Conference/Training Fees		19,400.00	3.88%
Room & Recording Costs - Qrtly Meetings 4 meetings (incl. Licensing Panel mtgs.)		30,000.00	6.00%
Supplies (conferences, office, general)		2,500.00	0.50%
IT Services FY16	<i>Vintage IT Services - System Support</i>	12,221.40	2.44%
	<i>Helpdesk</i>	6,122.60	1.22%
	<i>Website Maintenance</i>	2,486.00	0.50%
	<i>Content Management Software for Licensing Program</i>	19,851.00	3.97%
General Operating Expenses (copier, phone, internet, newspaper other utilities) FY17 - Encumbered		36,000.00	7.20%
Mailing/Fedex		1,500.00	0.30%
Training and Development		25,100.00	5.02%
Investigative Costs		16,000.00	3.20%
Discipline Specific Reviews	<i>Travel Reimbursements and other Investigative Costs</i>	23,000.00	4.60%
Local Funds	<i>Travel, lunch for meetings and other local account-related costs</i>	2,000.00	0.40%
		\$ 501,220.92	

EXHIBIT C

Complaint/Disclosure Spreadsheet

FSC Case No.	Status	Complainant	Subject Entity	Forensic Discipline(s)	Disposition/Report
1000.09.01	Closed	Todd Willingham	Tx State Fire Marshall Corsicana	Arson	Final Report Issued 4/15/11
1001.09.02	Closed	Brandon Lee Moon	DPS El Paso	Serology	Final Report Issued 6/30/11
1002.09.03	Closed	Robert J. Seitz	SWIFS	Serology; ballistics	Dismissed
1003.09.04	Closed	Ismael Padilla	SWIFS	DNA	Dismissed
1004.09.06	Closed	Bruce Garrett	Ft. Worth PD	Serology	Dismissed
1005.09.08	Closed	Harley Winland	Houston PD Crime Lab	Trace Evidence; Firearms	Dismissed
1006.09.10	Closed	Dedra Wilson	Ellis County ME	Autopsy	Dismissed
1007.09.11	Closed	Jerry Don Hartless	Medical Examiner Lufkin	Autopsy	Dismissed
1008.09.12	Closed	Eustorgio Resendez	Hidalgo County ME	Autopsy; Serology	Dismissed
1009.09.13	Closed	Christopher Kingerly	Houston PD Crime Lab	DNA	Dismissed
1010.09.14	Closed	Preston Hughes	Houston PD Crime Lab	Serology	Dismissed
1011.09.15	Closed	Anonymous	SWIFS	Quality Assurance	Dismissed
1012.09.18	Closed	Johnnie Propes	Plano PD Lab	Ballistics; trace evidence	Dismissed
1013.09.19	Closed	Harsha Pherwani	Lab Corp Dallas	Toxicology	Dismissed
1014.09.20	Closed	Cynthia Robinson	SWIFS	Autopsy	Dismissed
1016.10.02	Closed	Ronald Holleman	Dallas County DA	Police Report	Dismissed
1021.10.21	Closed	Charles Cupp	Harris County ME	Autopsy	Dismissed
1024.10.25	Closed	Cecily Hamilton	Austin PD Crime Lab	Quality Assurance	Final Report Issued 9/8/11
1025.10.22	Closed	Jimmy Todd	SWIFS	DNA	Dismissed
1026.10.23	Closed	Charles Frederick	Orange Co. Sheriff's Dept	Ballistics	Dismissed
1028.10.26	Closed	Eric Holmes	Harris County ME	Toxicology; Autopsy	Dismissed
1029.10.27	Closed	Sonia Cacy	Bexar County ME	Gas chromatography	Dismissed
1033.10.28	Closed	Luis A. Luera	Unknown Tarrant Co.	Hair/DNA	Dismissed
1034.11.03	Closed	John Edward Weeks	DPS Austin	DNA Report	Dismissed
1035.11.01	Closed	Tarrance Whitlock	SWIFS	Trace Evidence	Dismissed
1036.11.02	Closed	Robert Lee Helm	SWIFS	Trace Evidence/Firearms	Dismissed
1037.11.04	Closed	Rojean Gibson	Waco Fire Department	Arson	Dismissed
1039.11.05	Closed	Mario L. Cockerham	Ft. Bend Co. Sheriff/Dep. Pikett	Dog scent line up	Dismissed
1040.11.10	Closed	Randal Caraway	Tarrant Co. ME	Toxicology; Autopsy	Dismissed
1041.11.07	Closed	Debra Stephens	Austin PD Crime Lab	Quality Assurance	Dismissed
1042.11.08	Closed	Brian W. Devening	Forensic DNA & Drug Testing Services, Inc	Toxicology	Dismissed
1043.11.09	Closed	Jeffery W. Cooksey	DPS Waco	Controlled Substance	Dismissed
1044.11.11	Closed	Nat'l Innocence Project	El Paso PD Crime Lab	Controlled Substance	Final Report Issued 8/23/12
1045.11.12	Closed	Michael McDade	Linda James	Handwriting Analysis	Dismissed
1048.11.14	Closed	Jose G. Castillo	Edna, Texas Fire Department	Arson	Dismissed
1049.11.13	Closed	Thomas Florence	UNT Health Science Center	DNA	Dismissed
1050.12.01	Closed	Debra Stephens	APD Crime Lab	Controlled substance	Final Report Issued 10/23/12
1051.12.02	Closed	Michael Cruthird	SWIFS	Autopsy	Dismissed

Complaint/Disclosure Spreadsheet

1052.12.05	Closed	Anthony Melendez	McClennan Co., TX;-Forensic Science Assoc. of California	DNA	Dismissed
1055.12.04	Closed	Jackie Wilson	DPS - Houston	DNA	Dismissed
1059.12.07	Closed	Debra Firo	DPS-Corpus Christi	Trace evidence, Firearms	Dismissed
1060.12.08	Closed	Maynard Roberts	Texoma Medical Center	General Testimony	Dismissed
1061.12.09	Closed	Joseph Desmoreaux	DPS- Houston	DNA	Dismissed
1062.12.10	Closed	Pourner Rodney	Ector County DA's Office	DNA	Dismissed
1063.12.11	Closed	Larry Yoakum	Unknown	Controlled Substance	Dismissed
1064.12.12	Closed	Merlon Hines	DPS - Austin	DNA	Dismissed
1065.12.13	Closed	Ken Murphy	DNA Diagnostics, Inc./Dr. Melba Ketchum	DNA	Dismissed
1067.13.01	Closed	Rhonda Austin	NMS Lab, PA	Toxicology; Autopsy	Dismissed
1068.13.03	Closed	Eugene Ellis	Houston PD Crime Lab	Serology; DNA	Dismissed
1069.13.04	Closed	Kenneth Starkey	ExperTox	Controlled Substance	Dismissed
1070.13.05	Closed	Leslie J. Williams	Lubbock Co. DA	Trace Evidence; DNA	Dismissed
1071.13.06	Closed	Gustavo Mireles	DPS- McAllen	DNA; fingerprints	Dismissed
1072.13.07	Closed	Iran Hawkins	DPS- Garland	Controlled Substance	Dismissed
1073.13.08	Closed	Che Hutchinson	DPS- Abilene	Controlled Substance	Dismissed
1074.13.09	Closed	Robert Barganski	Christus Spohn Hosp Corpus Christi	Gunshot Wounds	Dismissed
1075.13.10	Closed	Jesse Eldridge	SWIFS	Trace Evidence	Dismissed
1076.13.11	Closed	Cordell Johnson	DPS - Austin	Controlled Substance	Dismissed
1078.13.12	Closed	Barton Ray Gaines	Ft. Worth PD Forensic Science Lab	Ballistics	Dismissed
1079.13.13	Closed	Larry M. Roche	Tarrant County- lab not specified	Blood Alcohol	Dismissed
1081.14.01	Closed	George Robert Powell III	Bell County	Digital Evidence	Final Report Issued 4/18/16
1082.14.02	Closed	Alonzo Fuller	Bexar County ME	DNA	Dismissed
1083.14.03	Closed	Philippe Padiou	Baylor Col of Medicine- Genetics Lab	DNA	Dismissed
1084.14.04	Closed	Theodore Levee	Unknown	Medical Testimony	Dismissed
1085.14.05	Closed	Dempsey Sutton	Unknown	DNA	Dismissed
1086.14.06	Closed	Teddy Robinson	Lubbock General Hospital/UMCHSC	Autopsy	Dismissed
1088.14.08	Closed	Frank Blazek for Joshua Ragston	SWIFS	Firearms/tool marks	Final Report Issued 4/19/16
1089.14.09	Closed	Richard E. Gambles	DPS- Lubbock	Judicial Misconduct	Dismissed
1092.14.12	Closed	George Scharmen	DPS- Austin	Record Request	Dismissed
1097.14.17	Closed	Rene Rivas	Cameron Co. DA	Request for DNA Testing	Dismissed
1099.14.19	Closed	Roxanne Maddex	Bexar County ME	Records request	Dismissed
1102.14.22	Closed	Gregory Bowman	NMS Lab, PA	Autopsy; blood assay	Dismissed
1103.15.01	Closed	Sharieff H. Dean	Orchid Cellmark	DNA	Dismissed
1104.15.02	Closed	James P. Taylor (City of Pearsall)	Pearsall PD	Evidence Room	Dismissed
1105.15.03	Closed	Deandra Grant	IFL	Blood Alcohol	Dismissed
1106.15.04	Closed	James Legate	Bexar County Forensic Science Center	GSR	Dismissed
1107.15.05	Closed	Stephanie Beckendam	DPS- Austin	Blood Alcohol	Dismissed
1108.15.06	Closed	Curtis Adams	Bexar County ME	DNA	Dismissed

Complaint/Disclosure Spreadsheet

1109.15.07	Closed	Nat'l Innocence Project for Steve Chaney	None Specified	Bite Mark Analysis	Final Report Issued 4/19/16
1110.15.08	Closed	Eloy Redd	Harris Co. Childrens Assessment Center	SANE	Dismissed
1111.15.09	Closed	James E. Wilcox	DPS- Waco	DNA	Dismissed
1112.15.10	Closed	Stevie L. Davis	DPS- Garland	BAC/gas chromatograph	Dismissed
1113.15.11	Closed	Rodney Hazlip	DPS- Houston	Blood Alcohol	Dismissed
1114.15.12	Closed	Jeff Sailus	TFSC	Procedural	Dismissed
1115.15.13	Closed	Angella Nickerson for Raphael Holiday	Dr. John DeHaan	Arson	Dismissed
1116.15.14	Closed	Jackie Wilson	DPS- Houston	DNA	To DNA Triage Team
1117.15.15	Closed	Darius Elam	DPS- Houston	DNA	To DNA Triage Team
1118.15.16	Closed	Mario L. Cockerham	SE Tx Forensic Science Center (defunct)	Autopsy; dog scent lineup	Dismissed
1119.15.17	Closed	Debra Stephens	Austin PD Crime Lab	Controlled Substance	Dismissed
1120.15.18	Closed	Jason Spence	Walter Reaves	DNA	Dismissed
1121.15.19	Closed	Randy Virgil Echols	DPS- Waco	DNA	To DNA Triage Team
1122.15.20	Closed	Roger L. McCluer	Dr. Vincent Di Maio	Trial testimony in murder case	Dismissed
1123.15.21	Closed	D. Jarnyl Brown	Ft. Worth PD Crime Lab	Ballistics	Dismissed
1124.15.22	Closed	Guadalupe Padilla	DPS- Austin	DNA	Dismissed
1125.15.23	Closed	Melvin Pinion	Tarrant Co. Criminal District Court	Video Tapes	Dismissed
1126.16.01	Closed	Catrice Nelson for Frederick Ervin	Jasper County	DNA; general	Dismissed
1127.16.02	Closed	Chaz Rodgers	IFL Euless	Ballistics	Dismissed
1128.16.03	Closed	James Downs	DPS- Austin, El Paso, Lubbock	DNA; latent prints; trace evidence	Dismissed
1129.16.04	Closed	Carlos V. de la O	Bexar Co. FSC	DNA- paternity	Dismissed
1130.16.05	Closed	Marlin Wayne Webb	Dr. Suzanna Dana	Blood spatter	Dismissed
1131.16.06	Closed	Lawrence James, Jr.	DPS- Houston	DNA	Dismissed
1132.16.07	Closed	Shannon Mark Douthit	SWIFS	Ballistics	Dismissed
1133.16.08	Closed	Edrick Dunn	DPS Lubbock	DNA	To DNA Triage Team
1134.16.09	Closed	Victoria Kujala	Ft. Worth PD Crime Lab	Hostile work environ; retaliation	Dismissed
1135.16.10	Closed	Charles Ray Hayes	McClennan Co. Jail	Blood Sugar Test	Dismissed
1136.16.11	Closed	Leonard Charles Hicks	Child Assessment Center, Houston	Forensic Interview	Dismissed
1137.16.12	Closed	Anonymous	Houston Forensic Science Center	Toxicology	Dismissed
1138.16.13	Closed	Laura Jenkins for Roy Adams, Jr.	Alpert; Peerwani; Garland PD	Blood Alcohol	Dismissed
1139.16.14	Closed	Cross, Kevin L.	SWIFS and analyst Kerri Kwist	Blood analysis	To DNA Triage Team
1140.16.15	Closed	Wynn, Eric	DPS Garland	DNA (STR) analysis	To DNA Triage Team
1141.16.16	Closed	Lenox, Robert W.		EMIT (enzyme multiplied immunoassay technique)	Dismissed
			DPS Garland		
1142.16.17	Closed	Watson Jr., Van	DPS - Houston	DNA	To DNA Triage Team
1143.16.18	Closed	Escalante, Damian	Bexar County Forensic Science Center	DNA	To DNA Triage Team
1144.16.19	Closed	Anderson, Eric D.	Dr. Ann Simms	Trial testimony in sexual abuse case	Dismissed
1145.16.20	Closed	Leonard, Isreal	SWIFS; Dr. Joni McClain	Toxicology; trial testimony	Dismissed
1146.16.21	Closed	Moreno, Juan A.	University Health System, San Antonio	DNA	Dismissed

Complaint/Disclosure Spreadsheet

1147.16.22	Closed	Furtado, Christopher Ty	Dr's Campbell, Loomis, Reese	Bite Mark Analysis; DNA	To Bite Mark Team
1148.16.23	Closed	Gerland, Eric	Valley Baptist Medical Center	Medical Malpractice	To DNA Triage Team
1149.16.24	Closed	de la Rosa, Paulo	Children's Medical Center of Dallas	Physical Exam	Dismissed
1150.16.25	Closed	McCain, Greg	Dr. Leah Lamb	Physical Exam	Dismissed
1151.16.26	Closed	Tienda Jr., Ronnie	Charles Clow	Ballistics; expert testimony at trial	Dismissed
1152.16.27	Closed	Black, Victor Jewell	SWIFS	Contamination of Evidence; DNA	To DNA Triage Team
1153.16.28	Closed	Drummer, Cornell	Dr. Vincent Di Maio	Ballistics	Dismissed
1154.16.29	Closed	Garcia, Daniel Lopez	Harris County Forensic Science Center	Toxicology, Autopsy, Ballistics	Dismissed
1155.16.30	Closed	Smith, Collin	DPS - Austin	Ballistics	Dismissed
1156.16.31	Closed	Hunt, Kenneth	Harris County IFS	DNA	To DNA Triage Team
1157.16.32	Closed	Hooks, Ray Dale	DPS- Tyler	BAC	Dismissed
1158.16.33	Closed	Rogers, Dennis Wayne	DPS- Garland	Serology; DNA	Dismissed
1159.16.34	Closed	Reyes, Jr., Reynaldo	Bexar Co. Criminal Investigation Lab	DNA	To DNA Triage Team
1160.16.35	Closed	Webb, Clinton & John	UNTHSC	DNA	To DNA Triage Team
1161.16.36	Open	Dunnivant, Catherine	DPS- Garland	Controlled Substance	
1162.16.37	Closed	Gruenfelder, Daniel	Dr. Clarice Grimes	Sexual Assault	Dismissed
1163.16.38	Closed	Pinkerton, Romeo	SWIFS	DNA	To DNA Triage Team
1164.16.39	Closed	Sanders, Del Ray	DPS- Houston	Hair, Blood, Trace	Dismissed
1165.16.40	Open	Clark, Norma	Harris County IFS, HPD, HCSD	Blood spatter, GSR	Accepted for Investigation
1166.16.41	Closed	Moreno Jr., Valentin	Dr. A.J. Alamia	Forensic Psychology	Referred to Nat'l IP
1167.16.42	Closed	Kennemur, Kevin	Yoakum County Hospital	Blood Alcohol	Dismissed
1168.16.43	Closed	Sanchez, Rodys S.	Harris County IFS	DNA	To DNA Triage Team
1169.16.44	Closed	Dawson, Julius T.	Children's Medical Center of Dallas	Rape kit (DNA)	To DNA Triage Team
1170.16.45	Closed	Anonymous	All DPS Texas Labs	Toxicology	Dismissed
1171.16.46	Closed	Aekins, Donald	APD Crime Lab	DNA	To DNA Triage Team
1172.16.47	Closed	Nix, Thomas E.	Tx Ranger Steven L. Black	Forensic Hypnosis	Dismissed
1173.16.48	Open	Tyler Flood for HCCLA	HCIFS/Fessessework Guale	Toxicology	
1174.16.49	Closed	Sosa, David	HPD/HCIFS	Ballistics	Dismissed
1175.17.50	Open	Ludwig, Ronald David	Private investigator fr DC	John O'Neal	asked DPS for info
1176.16.51	Closed	Gonzales, David	DPS Austin	Blood/DNA	Dismissed
1177.16.52	Open	Resendez, Eustorgio	DPS Austin	Ballistics/DNA	
1178.16.53	Open	Jones, De'Voderick R.	SWIFS	DNA	
1179.16.54	Open	Gulley, Britney	SWIFS	Firearms/Tool Marks	
1180.16.55	Closed	Carrizales, Gilbert	Children's Hospital Corpus Christi	Sexual Assault exam by dr	Dismissed
1181.16.56	Open	Reaves, Walter for Joe Bryan	Robert Thorman (expert witness)	Blood spatter	
1182.16.57	Closed	Decker, Rex A. for Travis D. Gray	SWIFS	Autopsy	Dismissed
1183.16.58	Open	Wilson III, William	James Miller/HFSC	Analysis for presence of gasoline	
1184.16.59	Closed	Stout, Jeffrey	None specified	Sexual assault exam	Dismissed
1185.16.60	Closed	Davis, James	Garland PD	Blood draw	Dismissed
1186.16.61	Closed	Dodson, Theodis	Tarrant County ME	DNA	To DNA Triage Team
1187.16.62	Closed	Griffin, Derrick L.	Dr. James Bruce of Lufkin	Autopsy	Dismissed

Complaint/Disclosure Spreadsheet

1188.16.63	Closed	Jackson, Robert Charles	Cornea Associates of Dallas	Eye Examination	Dismissed
1189.16.64	Open	Johnson, Kevin Lamar	"Observation Only"	"Entities of Law"	
			LABORATORY SELF-DISCLOSURES		
TFSC File #	Status	Reporter	Laboratory	Forensic Discipline	
2000.12.01	Closed	Tarrant County ME	Tarrant County ME	Serology	Final Report Issued 10/17/12
2001.12.02	Closed	DPS Houston	DPS -Houston	Controlled substance	Final Report Issued 4/7/13
2002.14.01	Closed	Quality Director	IFL	Firearms/Tool Marks	Final Report Issued 11/4/15
2003.14.02	Closed	Lab Manager	DPS - Austin	Toxicology-Blood Alcohol	No Further Action
2015.14.10**	Closed	Lab Analyst	Houston FSC	Serology	Final Report Issued 1/26/15
2004.14.03	Closed	Lab Manager	DPS - Garland	DNA	No Further Action
2005.14.04	Closed	Lab Director	SWIFS	Controlled substance	No Further Action
2006.14.05	Closed	Lab Manager	Houston Police Department Crime Lab	DNA	No Further Action
2007.14.06	Closed	Lab Manager	IFL	Blood Alcohol	No Further Action
2008.14.07	Closed	Lab Manager	DPS - Tyler	Controlled substance	No Further Action
2009.14.08	Closed	Lab Manager	DPS - Austin	Breath Alcohol	No Further Action
2010.14.09	Closed	Lab Manager	DPS - El Paso	Controlled substance	No Further Action
			DPS Houston Breath Alcohol Calibration Lab		
2011.15.01	Closed	Lab Manager	APD Crime Lab	Breath Alcohol Testing	No Further Action
2012.15.02	Closed	Lab Director	Corpus Christi PD Forensic Services Division	Crime Scene Reporting	No Further Action
2013.15.03	Closed	Lab Director		Missing evidence (bullet fragment)	No Further Action
				Controlled substance (missing evidence)	
2014.15.04	Closed	Lab Manager	DPS Abilene		No Further Action
2016.15.05	Open	Assistant Laboratory Director	DPS Weslaco	Latent Prints	
			Corpus Christi PD Forensic Services Division		
2017.15.06	Closed	Forensic Services Supervisor		Latent Prints (re-opened)	No Further Action
2018.16.01	Closed	Lab Director	APD Crime Lab	Failed prof test-serial no restoration	No Further Action
2019.16.02	Open	Quality Director	Harris Co IFS	Toxicology	Accepted for Investigation
2020.16.03	Open	Lab Manager	Bexar Co CIL	Firearms/Tool Marks	
2021.16.04	Open	General Counsel	Houston FSC	Controlled substance	