

**Texas Forensic Science Commission Complaint Screening Committee
Minutes from April 11, 2016 Meeting in Austin, Texas**

The Texas Forensic Science Commission Complaint Screening Committee met at 3:30 PM on Monday, April 11, 2016, at the Omni Austin Southpark Hotel, 4140 Governor's Row, Austin, Texas 78744.

Members of the Committee were present as follows:

Members Present: Jeffrey Barnard
Richard Alpert

Members Absent: Arthur Eisenberg, Chair

Staff Present: Lynn Garcia, General Counsel
Leigh Tomlin, Associate General Counsel
Nick Vilbas, Assistant General Counsel
Kathryn Adams, Commission Coordinator

Discuss factual information, allegations and potential recommendations for complaints and laboratory self-disclosures received or left pending by the Commission February 12, 2016.

Pending Disclosure from February 12, 2016 meeting

1. #15.05 DPS Weslaco (Latent Prints)

DPS (Weslaco) self-disclosed an incident in the laboratory's latent print section where an analyst excluded a suspect who was later identified as the source of a latent palm print.

MOTION AND VOTE: *Alpert moved to recommend the full Commission table the self-disclosure pending final results of the case review currently being conducted by the laboratory. Barnard seconded the motion. The CSC unanimously adopted the motion.*

Disclosures Received as of March 28, 2016

2. # 15.04 DPS Abilene (Controlled Substance)

DPS (Abilene) self-disclosed an incident in the laboratory's controlled substance section where the laboratory manager appears to have tampered with and stole drug evidence from 14 cases stored in the laboratory's evidence vault.

MOTION AND VOTE: *Alpert moved to table the complaint for review by the full Commission at its quarterly meeting the following day where DPS Deputy Assistant Director Brady Mills will provide an update on the status of the case. Barnard seconded the motion. The CSC unanimously adopted the motion.*

Complaints Received as of March 28, 2016

3. **#16.07 Douthit (SWIFS, Firearms/Toolmarks)**

Inmate Shannon Douthit filed this complaint alleging, among other general allegations of police misconduct, that Southwestern Institute of Forensic Science (SWIFS) firearms examiner Allan Jones was unqualified to conduct the testing in his case and the laboratory failed to test certain empty shell casings taken from the crime scene.

Alpert tabled the complaint for discussion by the full Commission the following day.

Dr. Barnard recused himself from any discussion and deliberation of this complaint, because his laboratory performed the analysis in the case.

4. **#16.09 Kujala (Fort Worth Police Department Crime Lab, Firearms/Toolmarks)**

Former Fort Worth Police Department Crime Laboratory (FWPDCL) firearms examiner, Victoria Kujala, filed this complaint alleging FWPDCL management tampered with her casework while she was employed with the lab and engaged in unethical behavior in the firearms section of the laboratory.

MOTION AND VOTE: *Alpert moved to delay any recommendation pending evaluation of a response received from the laboratory by the full Commission the following day. Barnard seconded the motion. The CSC unanimously adopted the motion.*

5. **#16.10 Hayes (McClennan County, Laboratory Unknown, Blood Sugar Test)**

Inmate Charles Ray Hayes filed this complaint alleging McClennan County law enforcement officials falsely arrested and convicted him of driving while intoxicated because a blood sugar test given to him after the arrest registered “82.” He alleged that and had he been intoxicated at the time the number would have been higher.

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

6. **#16.11 Hicks (Child Assessment Center—Houston, Susan Odhiambo, Forensic Interviewer)**

Inmate Leonard Charles Hicks filed this complaint alleging Child Assessment Center—Houston forensic interviewer Susan Odhiambo failed to follow proper protocol in conducting her interview with the child victim, and the Texas Mental Health Center Rosenberg gave the child drugs and a false diagnosis that led to Hicks’ conviction.

MOTION AND VOTE: *Alpert moved to recommend the full Commission dismiss the complaint because it fails to allege any negligence or misconduct related to the forensic analyses*

at issue in the case, and because the interviews and other allegations are not subject to the Commission's jurisdiction. Barnard seconded the motion. The CSC unanimously adopted the motion.

7. #16.12 Anonymous (Houston Forensic Science Center, Toxicology)

Complainant anonymously filed this complaint alleging a Houston Forensic Science Center analyst's error resulted in contamination of one of two vials of blood taken from a defendant with no notice provided to the defendant, and the same incident happened in two other (unidentified) cases where no notification was provided to the defendant or Harris County District Attorney.

Dr. Peter Stout, Chief Operating Officer and Vice President of the Houston Forensic Science Center, gave a presentation to the Committee explaining the details of the allegations in the complaint and the corrective actions taken by the laboratory.

MOTION AND VOTE: *Alpert moved to table the complaint for review by the full Commission at its quarterly meeting the following day. Barnard seconded the motion. The CSC unanimously adopted the motion.*

8. #16.13 Adams (Grapevine Police Department, Tarrant County District Attorney's Office and Tarrant County Medical Examiner's Office, Crime Scene Video and Blood Alcohol)

Laura Jenkins, mother of inmate Roy Adams, Jr. who is serving a sentence for manslaughter of a police officer by striking him with his vehicle, filed this complaint alleging Grapevine Police Department edited and/or altered crime scene video from Adams' DWI arrest, and that prosecuting District Attorney Richard Alpert and Tarrant County Medical Examiner Nizam Peerwani purposefully redirected the blood sample from the DPS crime laboratory to the Tarrant County Medical Examiner's Office so they could tamper with the sample to show Adams was intoxicated.

Barnard tabled the complaint for discussion by the full Commissions the following day.

Alpert recused himself from any discussion and deliberation of this complaint.

9. #16.13 Lenox (DPS—Garland, Blood Alcohol and Urine Test)

Inmate Robert W. Lenox filed this complaint alleging a DPS trooper and DPS Garland and/or Austin laboratory employees falsified reports confirming Lenox had amphetamines and marihuana in his system at the time of an auto accident that lead to Lenox's conviction for aggravated assault with a deadly weapon.

MOTION AND VOTE: *Alpert moved to recommend the full Commission dismiss the complaint because it fails to allege any negligence or misconduct related to the forensic analysis at issue in the case. Barnard seconded the motion. The FSC unanimously adopted the motion.*

Public Comments.

There were no public comments other than those mentioned above.

Adjourn.