

**Texas Forensic Science Commission Complaint Screening Committee
Minutes from January 23, 2015 Meeting in Austin, Texas**

The Texas Forensic Science Commission met at 8:00 AM on Friday, January 23, 2015, at the Omni Austin Southpark, 4140 Governor's Row, Austin, Texas 78744.

Members of the Commission were present as follows:

Members Present: Arthur Eisenberg
Jeffrey Barnard
Richard Alpert
Ashraf Mozayani (non-voting)
Hervey Kessler (non-voting)

Members Absent: None

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

Discuss factual information, allegations and potential recommendations for complaints and laboratory self-disclosures received or left pending by the Commission since October 7, 2014.

1. #14-06 Houston Forensic Science Center (HFSC) Lentz (DNA)

MOTION AND VOTE: Robin Guidry from the HFSC presented information regarding the nonconformance identified (failure of an analyst to follow standard operating procedure with respect to the handling of a re-agent blank) and corrective action taken by the laboratory, including the laboratory's approach to re-testing of evidence. Commissioners asked many questions of Ms. Guidry and discussed the incident identified as well as the sufficiency of remedial measures taken by the laboratory. Barnard moved to recommend to the full Commission no further action is required of the laboratory at this time. Alpert seconded the motion. The CSC unanimously adopted the motion.

2. #14-21 Department of Public Safety (DPS) – El Paso (Controlled Substances)

MOTION AND VOTE: Alice Amilhat from DPS described the nonconformance identified (improper weights in certain drug chemistry cases) and corrective action taken by the laboratory, including the status of an informational follow-up request to ASCLD/LAB. Commissioners asked questions of Ms. Amilhat and discussed whether the laboratory had done everything possible to address the issue. Alpert moved to recommend to the full Commission no further action is required of the laboratory at this time. Barnard seconded the motion. The CSC unanimously adopted the motion.

3. #14-22 Bowman NMS Labs (Toxicology)

MOTION AND VOTE: Barnard moved to recommend the full Commission table the complaint until members have an opportunity to review the laboratory's response. Barnard volunteered to provide

a more detailed analysis of key issues in the complaint at the next quarterly meeting. Eisenberg seconded the motion. The CSC unanimously adopted the motion.

4. #15-01 Orchid Cellmark - Dean (DNA)

MOTION AND VOTE: *Eisenberg moved to recommend the full Commission dismiss the complaint and refer the complainant to the various Texas innocence clinics, because the complaint fails to adequately articulate an allegation of negligence or misconduct in forensic analysis. Alpert seconded the motion. The CSC adopted the motion.*

*Barnard recused himself from voting on this complaint because the autopsy in the case was performed at the Southwestern Institute of Forensic Sciences.