

**Texas Forensic Science Commission
Minutes from January 21st, 2011 Meeting in Austin, Texas**

The Texas Forensic Science Commission met at 9:30 a.m. on Friday, January 21st, 2011, at the Central Services Building, 1711 San Jacinto, Room 402, in Austin, TX. Members of the Commission were present as follows:

Members Present: Bradley, Kerrigan, Adams, Hampton, Evans, Farley, Eisenberg

Members Absent: Hamilton, Peerwani

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

Review and adopt minutes from 10/15/10, 12/14/10 and 1/7/11 meetings

MOTION AND VOTE: *Adams moved to adopt drafts of 10/15/10, 12/14/10 and 1/7/11 meeting minutes. Farley seconded the motion. The minutes were unanimously adopted by the FSC.*

Update on new office space/timeline for move

Staff presented an update on the FSC office move to the Capitol complex in the Stephen F. Austin building.

Consider Willingham/Willis (complaint #09-01) and assign report

MOTION AND VOTE: *Evans presented a motion for FSC Chair, John Bradley, to solicit an opinion from the Attorney General's office, specifically to address the FSC's investigative jurisdictional issues. Eisenberg seconded the motion. The motion was unanimously approved by the FSC.*

MOTION AND VOTE: *Bradley presented a motion to direct the FSC's general counsel, Lynn Robitaille, to begin gathering information independently from each individual commission member and reduce the information to a compiled, draft report for deliberation and discussion at the next full FSC meeting. Adams seconded the motion. The motion was unanimously approved by the FSC.*

Assignment of Moon (Complaint #09-02) draft report

MOTION AND VOTE: *Bradley moved to continue work with investigative committee and direct the FSC general counsel and staff to generate a draft report. Eisenberg seconded the motion. The motion was unanimously approved by the FSC.*

Anonymous complaint form and language

MOTION AND VOTE: *Bradley moved that FSC general counsel edit language in the proposed anonymous complaint form as recommended and direct staff to publish form. Adams seconded the motion. The motion was unanimously approved by the FSC.*

Report on Tarrant County Medical Examiners forensic seminar

FSC members and staff who attended the seminar gave a brief synopsis of their appearances and/or attendance.

Report on Texas Association of Crime Lab Directors meeting

FSC staff provided a report from the TACLD meeting and confirmed commission members would participate in a SWAFS conference.

Update from FSC Legislative Development Committee

Evans explained FSC members should be prepared to offer feedback and address any issues that might arise during the legislative session related to the FSC.

Discuss and consider recommendations from Complaint Screening Committee

APD DNA (Complaint #10-25)

MOTION AND VOTE: *Eisenberg moved to accept the complaint for investigation. Farley seconded the motion. The complaint was unanimously accepted for investigation by the FSC.*

MOTION AND VOTE: *Bradley nominated Eisenberg, Kerrigan and Evans to serve on the investigative panel. Adams moved to approve the nominations. Farley seconded the motion. The motion was unanimously approved by the FSC.*

The investigative panel will work with FSC general counsel to develop materials and determine the direction of the investigation and will work to bring recommendations to the full board when appropriate.

CACY (Complaint #10-27)

The Complaint Screening Committee reported they are awaiting a memo from the FSC General Counsel before recommending any action to the full FSC.

FREDERICK (Complaint #10-23)

MOTION AND VOTE: *Adams moved to dismiss the complaint due to lack of jurisdiction in accordance with FSC Policies and Procedures §3.0(c)1. Kerrigan seconded the motion. The motion was unanimously approved and staff was directed to contact complainant in accordance with FSC Policies and Procedures §3(e), regarding the disposition of the complaint.*

HOLMES (Complaint #10-26)

MOTION AND VOTE: *Adams moved to dismiss the complaint due to lack of jurisdiction in accordance with FSC Policies and Procedures §3.0(c)1. Eisenberg seconded the motion. The motion was unanimously approved and staff was directed to contact complainant in accordance with FSC Policies and Procedures §3.0(e), regarding the disposition of the complaint.*

LUERA (Complaint #10-28)

MOTION AND VOTE: *Eisenberg moved to dismiss the complaint due to lack of jurisdiction in accordance with FSC Policies and Procedures §3.0(c)6 and recommended forwarding the complainant written guidance for seeking information. Kerrigan seconded the motion. The motion was unanimously approved by the FSC.*

HOLLEMAN (Complaint #10-29)

MOTION AND VOTE: *Adams moved to dismiss the complaint due to lack of jurisdiction in accordance with FSC Policies and Procedures §3.0(c)1. Evans seconded the motion. The motion was unanimously approved and staff was directed to contact complainant in accordance with FSC Policies and Procedures §3.0(e).*

PERWANI (Complaint #09-19)

MOTION AND VOTE: *Bradley moved to table the complaint until the next FSC meeting. Eisenberg seconded the motion. The motion was unanimously approved by the FSC.*

MOTION AND VOTE: *Bradley moved to direct the general counsel to develop a proposed amendment to the FSC's policies and procedure that would suggest circumstances in which a complaint might be reconsidered. Evans seconded the motion. The motion was unanimously approved by the FSC.*

SWIFS ANON (Complaint #09-15) & SWIFS SAO (Complaint #10-24)

MOTION AND VOTE: *Bradley moved to table the complaints until the committee has an opportunity to look at new materials received for the complaints. Eisenberg seconded the motion. The motion was unanimously approved by the FSC.*

TODD (Complaint #10-22)

MOTION AND VOTE: *Eisenberg moved to dismiss the complaint due to lack of jurisdiction in accordance with Tex. Code. Crim Proc. Art 38.01 §4(a)(3). Evans seconded the motion. The motion was unanimously approved and staff was directed to contact complainant in accordance with FSC Policies and Procedures §3.0(e).*

Consider agenda items for April 15th meeting

Schedule dates and location for future meetings

October 14th, 2011

January 13th, 2012

April 20th, 2012

Public Testimony

None presented

Adjourn