

**Texas Forensic Science Commission  
Minutes from September 27, 2012 DPS – Houston Investigative Panel Meeting in The  
Woodlands, Texas**

The Texas Forensic Science Commission met at 9:30 a.m. on Thursday, September 27, 2012, at Sam Houston State University's Woodlands Center, 3380 College Park Drive, The Woodlands, Texas 77384. The following members of the panel were present:

Members Present: Kerrigan, Peerwani

Members Absent: Lerma

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

Guests: Keith Gibson, DPS Houston Crime Lab Directory  
Scott Ehlers, Harris County Public Defender's Office

**Discuss and consider case facts and suggested recommendations for DPS-Houston  
Disclosure #12-06.**

Kerrigan provided background and a summary of the complaint. Keith Gibson and Scott Ehlers responded to various questions from panel members.

Members discussed gathering information for those cases that have not already been retested by DPS.

Members developed the following list of action items and information to be gathered (if possible) before the FSC's quarterly meeting, October 5, 2012:

- 1) Identify the total number of cases re-worked by DPS-Houston for the 90-day period initially identified for re-testing.
- 2) Obtain copies of proficiency tests, training documents and statement of qualifications for analyst who is the subject of the disclosure.
- 3) Obtain updated spreadsheet with more specific information regarding weight discrepancies where they appeared in the annotations on the spreadsheet.
- 4) Obtain Corrective Action Reports (*i.e.*, Quality Action Plans) for the first two of the three cases highlighted on the spreadsheet.
- 5) Obtain copies of the original reports and substitute reports for each of the 237 cases already re-tested by DPS-Houston.
- 6) Identify the total number of cases (of the 4,944) for which evidence had already been destroyed when DPS began the retesting process.
- 7) Identify counties affected and sub-totals of case numbers for each.

- 8) Keith Gibson will provide the FSC with a PDF file during the first week of each month with the lab reports (original and replacement) for all cases re-worked by DPS in the previous month so staff can add the results to the comparative spreadsheet.
- 9) Staff to contact all affected agencies and request they review the spreadsheet provided by DPS with the list of cases affecting their agency and respond with (a) the number of cases for which evidence was destroyed; (b) the number of cases for which evidence still exists in storage; and (c) the number of cases already submitted to DPS for re-testing, if any.

**MOTION AND VOTE:** *Peerwani moved to adjourn. Kerrigan seconded the motion. The panel unanimously adopted the motion.*