

**Texas Forensic Science Commission
Minutes from September 16, 2015 Bite Mark Comparison Review Panel Meeting in
Dallas, Texas**

The Texas Forensic Science Commission's Bite Mark Comparison Review Panel met at 1:00 p.m. on Wednesday, September 16, 2015 at the Dallas County District Attorney's Office, 10th Floor Conference Room, 133 Riverfront Blvd, Dallas, Texas 75207.

Members of the Commission were present as follows:

Panel Members Present: Kessler, Di Maio, Mozayani, and Alpert

Panel Members Absent: None

Staff Present: Lynn Garcia, General Counsel
Nick Vilbas, Staff Attorney

This is a complaint filed by the Innocence Project Inc. on behalf of Steven Mark Cheney, a Dallas County man convicted of murder, based in part on bite mark comparison evidence, requesting the commission to investigate and report on "the integrity and reliability" of bite mark evidence.

Review and discuss materials submitted by Complainant (TFSC Complaint No. 1109.15.07)

Panel members discussed complaint and listened to a summary of the complaint by Chris Fabricant of the Innocence Project, who also answered questions concerning complaint.

Review and discuss American Board of Forensic Odontology ("ABFO") letter, response, and related materials.

Panel members and staff discussed ABFO letter, response and related materials and engaged in questions and answers with Dr. David Senn. Dr. Senn gave summary response to complaint, provided information and answered questions on ABFO's historical approach to standards in the discipline.

Discuss statutory requirement to assess integrity and reliability of forensic analysis, best practices and recommendations.

Panel members discussed statutory requirement to assess integrity and reliability of forensic analysis, best practices and recommendations concerning bite mark comparisons. Panel members agreed the current statute includes bite mark comparison evidence.

Discuss retroactive case identification and review process, including possible case review criteria.

Panel members and Commission staff discussed retroactive case identification and review process. Panel discussed methods to identify cases with input provided by stakeholders. Panel discussed requesting self-submission of cases worked by ABFO dentists and initial case review criteria based on ABFO guidelines.

Discuss possible additions to review panel for advisory purposes.

Panel members discussed value of possible additions of subject-matter experts to review and advise on cases. Panel discussed and agreed to request submission of names by ABFO.

Discuss action items/recommendations for quarterly Commission meeting.

Panel members discussed action items and recommendations for quarterly Commission meeting, including drafting of follow up letter to ABFO requesting names for possible additions to review panel and a memo from Dr. Senn stating areas of agreement and disagreement between Dr. Senn and the complaint allegations.

Assign staff follow-up tasks and action items.

Staff assigned follow-up tasks of preparing letter to ABFO, identifying Texas bite mark comparison cases, and contacting additional forensic odontology experts to provide further guidance to panel.

Schedule next Bite Mark Comparison Review Panel meeting.

Panel members and staff discussed scheduling the next Bite Mark Comparison Review Panel meeting on or around the date of November 18, 2015.

Public Comment

The following members of the public provided public comment during the session:

Chris Fabricant, Innocence Project
Dr. David Senn, ABFO, Forensic Odontologist
Dr. Roger Metcalf, ABFO, Forensic Odontologist
Patricia Cummings, Dallas County District Attorney's Office Conviction Integrity Unit
Julie Lesser, Dallas County Public Defender's Office

Adjourn.