

**Texas Forensic Science Commission
Minutes from December 2, 2015 Meeting in Austin, Texas**

The Texas Forensic Science Commission met at 11:00 a.m. on Friday, October 2, 2015, at 1700 North Congress Avenue, Room 170, Austin, Texas 78701.

Members of the Commission were present as follows:

Members Present: Di Maio, Alpert, Barnard, Hughes-Stamm, Mozayani, Peerwani

Members Absent: Eisenberg, Kessler, Lerma

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

Review and discuss licensing requirements as set forth in Texas Code of Criminal Procedure §§ 4-a, 4-b and 4-c.

FSC General Counsel Lynn Garcia briefed members on the Commission's statutory requirement to establish a forensic analyst licensing program in Texas as set forth in the Texas Code of Criminal Procedure § 4. Garcia reviewed § 4-b of the statute, relating to the requirement and instruction to form a licensing advisory panel to advise the Commission and make recommendations on matters related to the licensing of forensic analysts under § 4-a of the statute.

Garcia explained the statute mandates the licensing advisory panel consist of 7 members—one prosecuting attorney recommended by the Texas District and County Attorney's Office; one defense attorney recommended by the Texas Criminal Defense Lawyer's Association; and seven members who are forensic scientists, crime laboratory directors or crime laboratory quality managers selected by the Commission from a list of 20 names submitted by the Texas Association of Crime Laboratory Directors. Garcia explained members are required to ensure the seven scientific seats include representation from municipal, county, state and private crime laboratories.

Review nominations submitted by the Texas Association of Crime Laboratory Directors, Texas Criminal Defense Lawyer's Association and Texas District and County Attorney's Association and establish licensing advisory panel pursuant to Texas Code of Criminal Procedure Article 38.01 § 4-b.

Members discussed the prosecutor position to be filled on the seven-member licensing panel. The Texas District and County Attorney's Association recommended Inger Chandler, Chief of the Harris County District Attorney's Office Conviction Integrity

Unit. Members approved Chandler as the prosecutor representative on the seven-member panel.

Members discussed the defense attorney position to be filled on the seven-member licensing panel. Commissioners reviewed a list of 4 nominees submitted by the Texas Criminal Defense Lawyer's Association, including Mark Daniel from Evans, Daniel, Moore, Evans & Biggs in Fort Worth, Texas, Deandra M. Grant, Law Offices of Deandra M. Grant, PC in Richardson, Texas, Keith S. Hampton, Law Office of Keith Hampton, in Austin, Texas and Mark R. Thiessen, The Thiessen Law Firm, in Houston, Texas.

MOTION AND VOTE: *Alpert moved to approve Mark Daniel as the Texas Criminal Defense Lawyer's Association representative on the Forensic Analyst Licensing Advisory Panel. Mozayani seconded the motion. The Commission unanimously adopted the motion.*

Members discussed the seven positions to be filled by forensic scientists, crime laboratory directors, or crime laboratory quality managers, representing municipal, county, state and private crime laboratories.

Members selected seven people, representing municipal, county, state, and private crime laboratories. Other factors commissioners considered were location, education, area of forensic expertise, and position title.

MOTION AND VOTE: *Alpert moved to approve the following list to fill the seven scientific positions on the Forensic Analyst Licensing Advisory Panel:*

1. *Michael S. Ward, Fort Worth Police Department Crime Laboratory*
2. *Robert A. Middleberg, Ph.D. National Medical Services*
3. *Greg Hilbig, Department of Public Safety – Tyler Regional Crime Laboratory*
4. *Timothy Sliter, Ph.D. Southwestern Institute of Forensic Science*
5. *D. Chris Heartsill, Tarrant County Medical Examiner's Office*
6. *Linda Johnson, Johnson County Crime Laboratory*
7. *James T. Miller, Houston Forensic Science Center*

*Alternate: Robert Sailors, Bexar County Forensic Science Center Criminal Investigation Laboratory**

Peerwani seconded the motion. The FSC unanimously adopted the motion.

***MOTION AND VOTE:** *Alpert moved to recommend Commission General Counsel Lynn Garcia seek guidance from the Attorney General on whether an advisory, alternate member is permitted for the panel pursuant to Tex. Code Crim. Proc. art. 38.01 § 4-b. Pending approval, Robert Sailors from Bexar County Forensic Science Center Criminal Investigation Laboratory will serve as an alternate to the Licensing Advisory Panel. Barnard seconded the motion. The FSC unanimously adopted the motion.*

Schedule and location of first licensing advisory panel meeting and any future FSC licensing program and committee meetings.

Commission staff will distribute a letter of congratulations to each of those selected for the licensing panel before the end of the week. Members discussed that a February 11, 2016 meeting of the panel would be convenient, because the Commission meets for its quarterly meeting February 12, 2016. Commission staff will circulate the February 11 suggestion and solicit feedback from panel members regarding scheduling the first Licensing Advisory Panel meeting for that date.

Discuss status of DNA Mixture Interpretation Review.

Members discussed the following items:

- a. Laboratory progress – protocols, case reviews and training;
- b. Process flowchart and TDCAA notice;
- c. Defense counsel resources;
- d. Guidance for public dissemination;
- e. Training for lawyers and scientists; and
- f. Resources needed to implement review project.

MOTION AND VOTE: *Barnard moved to delegate to DNA Mixture Interpretation Review Panel Chair, Dr. Hughes-Stamm, the authority to develop and update information related to the Commission’s DNA Mixture Interpretation Review on the Commission’s website and otherwise. Alpert seconded the motion. The FSC unanimously adopted the motion.*

MOTION AND VOTE: *Barnard moved to delegate to DNA Mixture Interpretation Review Panel Chair, Dr. Hughes-Stamm, the authority to approve funding requests for DNA training, travel to trainings, staffing related to the case review and other related items that may require attention and approval in between the Commission’s quarterly meetings. Peerwani seconded the motion. The FSC unanimously adopted the motion.*

Discuss extension of assistant general counsel staff to permanent status

MOTION AND VOTE: *Alpert moved to approve initiating the paperwork and application process to extend the assistant general counsel staff position to permanent status. Hughes-Stamm seconded the motion. The FSC unanimously adopted the motion.*

Review and approve edits to 37 Texas Administrative Code Part 15, Chapter 651 for purposes of ensuring consistency in terminology and statutory references.

MOTION AND VOTE: *Peerwani moved to approve the proposed change to 37 Texas Administrative Code Part 15, Chapter 651 for purposes of ensuring consistency in terminology and statutory references. Hughes-Stamm seconded the motion. The FSC unanimously adopted the motion.*

Review and discuss annual report posted on December 1st pursuant to Texas Code of Criminal Procedure § 8.

Members reviewed and approved copies of the Commission's annual report as published December 1.

Public Comment.

The following people were present and offered comments at the meeting:

1. Dawn Boswell, Tarrant County District Attorney's Office
2. Inger Chandler, Harris County District Attorney's Office
3. Matthew Foye, Travis County District Attorney's Office
4. Roger Kahn, Ph.D. Harris County Institute of Forensic Science

*The Commission addressed public comment and questions throughout the agenda on different items. No specific public comment was given during this agenda item.

Adjourn.