

2. #13-04 ExperTox, Inc. (Controlled Substance – Starkey)

MOTION AND VOTE: *Barnard moved to table the complaint until the Commission's next meeting and in the meantime work with DPS to determine accreditation status and eligibility for the laboratory, and report back to Commission members for consideration at the Commission's November 2013 meeting. Alpert seconded the motion. The Commission unanimously adopted the motion.*

3. #13-05 Lubbock County DA's Office (Trace Evidence, DNA – Williams)

MOTION AND VOTE: *Alpert moved to dismiss the complaint, because 1) the complaint facts pre-date the crime laboratory accreditation program and 2) the complaint fails to articulate a claim worthy of investigation under either of the FSC's jurisdictional categories. The alleged negligence or misconduct committed by the prosecutor even if true is beyond the scope of the Commission's jurisdiction. Peerwani seconded the motion. The Commission unanimously adopted the motion.*

4. #13-06 DPS – McAllen (DNA – Mireles)

MOTION AND VOTE: *Peerwani moved to table the complaint until the Commission's November 2013 meeting and also to refer the complaint to the Innocence Project of Texas. The Innocence Project of Texas will provide an update on the status of the complaint at the Commission's November 2013 meeting and DPS will provide in the meantime, more thorough DNA data for review by Eisenberg. Eisenberg seconded the motion. The Commission unanimously adopted the motion.*

5. #12-09 DPS – Houston (DNA – Desormeaux)

MOTION AND VOTE: *Barnard moved to dismiss the complaint, because it fails to allege any negligence or misconduct related to the DNA testing completed in the case. Kerrigan seconded the motion. The Commission unanimously adopted the motion.*

Update on arson case review and implementation of recommendations.

Jeff Blackburn addressed the Commission regarding the status of the arson case review. Blackburn explained the Scientific Working Group initiated by the Texas State Fire Marshal's office identified seven cases that have subsequently been recommended for post-conviction review by the corresponding prosecuting agency. Blackburn explained several additional cases are pending review by the work group.

DPS – Houston Self-Disclosure #12-06

Commission members and Garcia discussed finalization of the DPS-Houston investigative report, latest re-test results, and Texas Court of Criminal Appeals decisions affecting cases. Members discussed releasing an addendum report to the DPS-Houston investigative report to provide supplemental re-testing results.