

~~2. Hines (DPS – Austin – DNA) - #12-12~~

MOTION AND VOTE: *Alpert moved to dismiss the complaint because it falls outside the FSC's jurisdiction, because the DNA analysis in question occurred in August 2004, prior to the FSC statute's effective date. Kerrigan seconded the motion. The FSC unanimously adopted the motion.*

3. Ketchum (DNA Diagnostics, Inc.) - #12-13

Complaint Screening Committee Chairman Eisenberg, as a courtesy to the Texas Attorney General's Office, contacted Dr. Ketchum to request she return the evidence in this case. The evidence was returned and the issue resolved. The Commission did not deliberate further on the matter.

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

The FSC discussed requesting information from agencies that performed DNA testing in the case, including DPS, Orchid Cellmark and the Jefferson County Crime Laboratory. The following information will be requested from each agency:

1. Copies of any reports and/or case files (including copies of electropherograms) DPS may have related to laboratory case number L2H-188242 indicated in the complaint form.
2. Copies of the DNA Section procedural manual and interpretation guidelines for analysis of mixtures at the time case L2H-188242 was analyzed.
3. Copies of the validation work performed, including the underlying data/statistical analysis used in formulating the interpretation guidelines.

The Commission has not yet decided whether to accept the complaint, but would like to review this information before making its decision.

Texoma Medical Center (Sexual Assault Nurse Examiner Kit) Complaint #12-08 update.

Garcia provided Commission members with an update on complaint #12-08. The complaint was forwarded to the Texas Board of Nursing. A response was received from the Texas Board of Nursing indicating they have initiated a preliminary investigation into the complaint. The letter from the Texas Board of Nursing was subsequently mailed to the complainant. No further action was necessary in the matter.

Report from DPS – Houston Investigative Panel; Complaint #12-06

Kerrigan provided a background and progress report, including information on additional material reviewed by the Commission since its last meeting and a report from a January 8, 2013 site visit to the laboratory where Garcia and Kerrigan interviewed key laboratory staff members and management.