



TEXAS FORENSIC
SCIENCE COMMISSION

Justice Through Science

1700 North Congress Ave., Suite 445
Austin, Texas 78701

January 15, 2014

Via email

Mr. Kenneth Starkey
kbstarkey@gmail.com

RE: FSC Complaint #13-04 ExperTox, Inc. (Controlled Substance)

Dear Mr. Starkey:

On January 10, 2014, the Texas Forensic Science Commission (FSC) voted to dismiss your complaint because it falls outside the FSC's jurisdiction. *See* Tex. Code Crim. Proc. Ann. §38.01. The complaint does not allege negligence or misconduct in the controlled substance testing performed by ExperTox. Rather, it alleges misrepresentation by ExperTox regarding the scope of its accreditation to perform controlled substance testing in Texas criminal cases. Accreditation of crime laboratories in Texas is a matter solely within the jurisdiction of the Department of Public Safety. *See* Tex. Gov't. Code Ann. §411.0205.

At its October 31, 2013 Complaint Screening Committee meeting, FSC members had tabled your complaint to await a response from DPS, which performed an inquiry into representations made by ExperTox regarding the scope of its accreditation. DPS corresponded extensively with ExperTox during the period from October to December 2013, requesting detailed information regarding the testing performed in your case as well as other controlled substance testing completed by the laboratory. After reviewing the documentary material provided by ExperTox, DPS expressed satisfaction with the information provided and closed its review. The agency correspondence is enclosed with this letter.

Please note the Commission is not part of the Texas court system and does not have any influence in legal proceedings. The FSC encourages you to seek appropriate legal representation regarding any specific issues in your criminal case. If you have further questions, please feel free to contact our office.

Respectfully,

A handwritten signature in blue ink, appearing to read "L. Heidenreich", is written over the typed name.

Leigh M. Heidenreich
Commission Coordinator