



TEXAS FORENSIC
SCIENCE COMMISSION

Justice Through Science

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

January 6, 2016

Via First Class Mail

Mr. James Legate
TDJC #00888549
William G. McConnell Unit
3001 S. Emily Drive
Beeville, Texas 78102

Re: Texas Forensic Science Commission ("FSC"), File No. 1106.15.04

Dear Mr. Legate:

At its August 15, 2015 meeting, the FSC voted to dismiss your complaint, because the examiner's conclusion in your case—"indeterminate"—was expressed in accordance with currently accepted gunshot residue analysis guidelines, and therefore the complaint failed to articulate a basis for conducting an investigation of professional negligence or misconduct.

The Scientific Working Group for Gunshot Residue Analysis'—the national working group for development of gunshot residue analysis guidelines—current guidelines provide that it is not possible to determine whether a subject has discharged a firearm in the absence of gunshot residue; thus use of the word "indeterminate" would be appropriate to express an examiner's conclusion regarding whether a particular suspect fired the weapon.¹

Any additional or outstanding legal issues in your case should be discussed with your legal representative. A list of innocence clinics operating in the State of Texas is enclosed for your convenience.

Best regards.

Sincerely,

A handwritten signature in blue ink, appearing to read "Leigh M. Tomlin".

Leigh M. Tomlin
Associate General Counsel

encl.

¹ Scientific Working Group for Gunshot Residue Analysis, *Guide for Primer Gunshot Residue Analysis by Scanning Electron Microscopy/Energy Dispersive X-Ray Spectrometry*, p. 29 (2011). (<http://www.crime-scene-investigator.net/GSRanalysisguide.pdf>)

LIST OF INNOCENCE CLINICS IN TEXAS

Texas Center for Actual Innocence
727 E. Dean Keeton St.
Austin, Texas 78705
Contact: Tiffany Dowling

Texas Innocence Network
University of Houston Law Center
100 Law Center
Houston, Texas 77204-6371
Contact: David Dow

Texas A&M Innocence Project
1515 Commerce St.
Fort Worth, Texas 76102
Contact: Scott Henson

The Innocence Project of Texas
1511 Texas Ave.
Lubbock, Texas 79401
Contact: Scott Henson

Texas Southern University
Thurgood Marshall School of Law
Innocence Project
3100 Cleburne Street
Houston, Texas 77004
Contact: Anthony Haughton