



TEXAS FORENSIC  
SCIENCE COMMISSION

*Justice Through Science*

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

September 29, 2015

*Via First Class Mail and  
Email to [angellanickerson@yahoo.com](mailto:angellanickerson@yahoo.com)*

Ms. Angella Nickerson  
16972 West Dounreay  
Montgomery, Texas 77316

Re: Texas Forensic Science Commission Case No. 1115.15.13

Dear Ms. Nickerson:

This letter is in response to the Texas Forensic Science Commission's ("Commission") receipt of your complaint regarding the testimony of arson expert Dr. John DeHaan at the capital murder trial of Raphael Holiday. Your complaint will not be considered by the Commission for the reasons set forth below.

The Texas State Fire Marshal's Office ("SFMO") has a Science Advisory Workgroup ("SAW") that performs retroactive reviews of certain arson cases. Cases reviewed by the SAW are either identified internally by the SFMO or referred by the Innocence Project of Texas ("IPOT"). ***All arson cases received by the Commission are automatically forwarded to the SFMO and IPOT so they may assess whether the case is appropriate for review by the SAW.***

The facts of Mr. Holiday's criminal case were reviewed by IPOT. The former Executive Director of IPOT has informed the Commission that IPOT did not forward the case to SAW for review for the following reasons: (1) even assuming (for sake of argument) that the pilot light or other potential ignition source could not have been eliminated as a source of direct ignition and even assuming Gerald Hurst's critique of Dr. DeHaan's testimony regarding his dissertation and an earlier "candle experiment" has merit, the key issue is ***not*** whether outdated or incorrect incendiary indicators were used at trial but rather whether the jury believed fact witness assertions that Mr. Holiday ignited the fire; and (2) there were ample additional inculpatory facts in the case that would make review by the SAW an inefficient use of state resources. For these reasons, IPOT determined Mr. Holiday's case did not meet the requirements of the retroactive case review and therefore did not forward the case for review by the SAW.

Any further inquiry regarding this matter should be submitted directly to the SFMO, IPOT or both. Following is their contact information:

**Texas State Fire Marshal's Office**

State Fire Marshal Chris Connealy  
333 Guadalupe Street  
Austin, Texas 78701

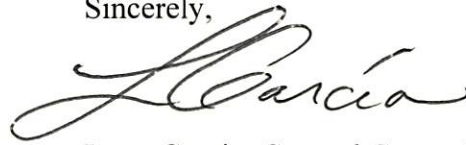
or

P.O. Box 149221  
Austin, Texas  
78714-9221

**Innocence Project of Texas**

Executive Director Scott Henson  
P.O. Box 93778  
Lubbock, Texas 79493

Sincerely,

A handwritten signature in cursive script, appearing to read "L. Garcia".

Lynn Garcia, General Counsel  
Texas Forensic Science Commission

LRG/mka

cc: Chris Connealy, State Fire Marshal of Texas  
Scott Henson, Innocence Project of Texas  
Ed Marshal, Office of the Attorney General  
Seth Kretzer, Attorney for Raphael Holiday