



TEXAS FORENSIC
SCIENCE COMMISSION

Justice Through Science

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

March 16, 2016

Via First Class Mail

Ms. Chaz Rodgers
120 Palm Dr.
Lancaster, Texas 75146

Re: Texas Forensic Science Commission ("FSC") File No. 1127.16.02

Dear Ms. Rodgers:

At its February 12, 2016 meeting, the FSC voted unanimously to dismiss your complaint in light of the detailed explanation provided by Integrated Forensic Laboratories (IFL) regarding the firearm and tool mark examination performed in investigating your son's death. Upon review of the IFL response, the Commission determined there was not a credible allegation of professional misconduct or negligence on the part of an accredited laboratory or analyst relative to a forensic analysis.

The response provided by Integrated Forensic Laboratories has been enclosed for your review. We hope this information is helpful to you.

Thank you and please let us know if we may be of any additional assistance to you.

Sincerely,

Nick Vilbas
Nick Vilbas *by NKA w/ permission*
Assistant General Counsel



Integrated Forensic Laboratories

2302 113th St. Ste. 200
Grand Prairie, TX 75050

(972) 606-6565
Fax (972) 602-9760

January 28, 2016

Subject: Response to Complaint on Firearms Report on IFL Case #1107170

To: Texas Forensic Science Commission

From: Ronald T. Fazio, Vice President (formerly Firearms Examiner)

To Whom It May Concern,

Thank you for allowing IFL to submit this written response to the TFSC Complaint filed in reference to IFL Report #1107170. IFL performed crime scene, forensic biology, and forensic firearms testing on Lancaster (Tx) Police Department Case #11-003500.

IFL received two separate "Description of the Complaint" forms. The following responses are organized with the original text in both "Description of Complaints" to assist with clarity. The original text is in bold font.

Description of Complaint #1

"Based on the review of ballistic report #1107170, I have identified false dubious fallacies which contributed to possible wrongful conviction with questionable cause and continuous heartache of victim's mother, Chaz Rodgers, for 4 ½ years later. I write and represent Anthony Hudson, 15, an innocent bystander, my son and in search of truth and closure to his death and suppressed evidence of the ballistics. The subject matter of my complaint of ambiguities with Integrated Forensic Laboratory -Lancaster (IFL-L) the change of custody of items #49 bullet; of which supposed to be the magic bullet of the deceased. Basically, the ballistic report states deceased was identified as A. Hudson.

Who is A. Hudson? Why does the report writer present vague analyzes? Why didn't the correlation of item # and deceased name and weapon type misrepresented on the report? However, IFL-Lancaster change of custody was transferred to IFL-Euless for further analyzes of ammunition on the ballistic report. [sic]"

The IFL Firearms Report identified the "Victim" as "A. Hudson" as this was the name provided on the submission form. IFL received Item #49, bullet from autopsy, at its Lancaster, Texas laboratory and subsequently transferred this, under full chain-of-custody, to its Euless location, where the firearm lab was located.

"The ammunition verified by investigative officers, Texas Ranger, was 9mm, AK47 (SK AR15), Shot Gun, and 38 Revolver used at the scene of the crime. However, it was identified the smoking gun to be a 38 Revolver. Hence, the 38 Revolver shell casings are known to remain in the spinner upon firing of the bullet. Here are some false dubious fallacies in my research. [sic]"

Fired 38/357, 7.62, 7.62x39mm, and 12 Gauge ammunition components were recovered and tested. In addition, a 380 Auto pistol, a 25 Auto pistol, and a 9mm Luger cartridge were also recovered and tested. Neither firearm could have fired any of the ammunition components or chambered the 9mm Luger cartridge. The Item 49, bullet from autopsy, along with three other bullets, were identified as 38/357 caliber bullets fired from a single firearm. The Complaint is correct in that a 38/357 revolver will not automatically extract and eject cartridge cases. No 38/357 cartridge case were recovered.

"The first fallacy is whether the Wolf 7.62 x 39mm jacket found in the deceased head matches the 38 Revolver on reports items 17, 20, 28-30, and 48 used by the same gun. Most, 7.62 x 39 mm cartridge is known to fit some assault rifles such as M16, AK47, SK AR15 etc.; not 38 Revolver used in this crime. [sic]"

The only ammunition component recovered at autopsy was Item #49, a 38/357 caliber bullet. The medical examiner described this as a "jacketed projectile". The medical examiner inscribed this projectile with "9824-11 RQ", which was documented by IFL examiners. At no time was the Item #49 identified as a 7.62 caliber bullet.

"Based on autopsy report it states the "jacket projectile" was recovered from deceased. [sic]"

The autopsy report states a "jacketed projectile".

"The second fallacy is the Wolf 7 62 x 39 mm projectile never entered the soft tissue underneath the right eye; no facial bone broken or eye dismantled (see photo). What is seen on the photo is the possible exit wound (star-like shape) or the canthotomy surgery performs by ER Dr. David P. Bryant. ER Dr. in his decision-maker report says, "I detained the bullet." The bullet is identified on the ballistic report as item #49 with others items 40 and 41 bullets from a 38/357. [sic]"

IFL cannot comment to this as it is outside the scope of its work.

"Logically, it is given the 7.62 x 39mm jacket projectile separated from the bullet in the deceased head cavity based on fact from autopsy and medical records. We can confer the 38 Revolver is not the smoking gun. In fact, the 38 Revolver shell casings would not have released a 7.62 x 39mm jacket; only the projectile bullet is released by a 38 Revolver. Therefore, it is safe to say the missing gun is not a 38 Revolver as identified in the trial cause # F1139820 of Devon Candler v. State of Texas (Anthony Hudson). [sic]"

At no time was Item #49 identified as 7.62 caliber bullet or bullet jacket. It is not clear why the Complaint makes this assertion.

“The third fallacy is the untested Wolf Federal 9mm. What has the reason(s) given why IFL-L/IFL-Eules did not perform DNA analyzes on the Wolf federal 9mm? It is Imperative to perform DNA testing on all evidence found and submitted from the crime scene. Please perform testing! [sic]”

Item #43B was an unfired Federal 9mm Luger cartridge, not a bullet or cartridge case. There are only two possible firearms examinations that can be conducted on unfired ammunition; bunter-marks and magazine lip tool mark analyses. However, these tests require either reference ammunition or a reference firearm magazine for comparison, neither of which were collected or submitted with this case. DNA testing was not conducted as it was not requested. IFL, along with many other forensic laboratories, cannot conduct testing outside of the scope of the request.

“Therefore, the inaccuracies of IFL-L/IFL-Eules may have caused every lasting heartache/headache for misleading/tampered ballistic report. When our loves die or murdered the truth is what families are looking for not lies. I pray you have a sense of urgency to perform a valid and sound investigation as to why ballistic report #1107170 have numerous holes in the report write-up and address your findings with the mental anguish mother in search of truth. I ask you look upon this report as if you were the search for truth in your son or daughter case for closure. [sic]”

Description of Complaint #2

1. **“Whether A.Hudson on IFL-Firmarms Report is the same deceased person in prosecution file Devon Candler v. State of Texas (F1139820)? [sic]”**
 - a. It was (and still is) IFL policy to list involved parties (i.e. suspect(s) and victim(s)) specifically as identified on the submission form or as identified by the client in official communications. “A. Hudson” was specifically identified on the submission form by Lancaster Police Department and was not clarified in further correspondence. Regardless, IFL tracks all cases with either the unique laboratory number or the law enforcement agency number, not names.
2. **“Whether the ballistic report identify with bullets removed from deceased? [sic]”**
 - a. One bullet (Item #49) was recovered at autopsy. The Item #49 bullet was identified in the Forensic Firearms Report (dated July 9, 2012) per accreditation standards. The bullet was received, tested, and returned under full chain-of-custody. Furthermore, the bullet was fully described, including medical examiner inscription, in the case notes. It is not clear why the Complaint indicates that multiple bullets were recovered at autopsy.
3. **“Whether firearm and bullet on evidence item #43B One Federal 9mm luger cartridge forensic analyzes was performed? [sic]”**
 - a. The Item #43B was an unfired 9mm Luger cartridge. Without other 9mm Luger evidence (i.e. bullet, cartridge case, cartridge, or firearm), no further forensic firearm examinations were possible. Forensic DNA analysis was not requested for any evidence

by either the Lancaster Police Department or the Dallas County District Attorney's Office. IFL, along with many other forensic laboratories, is not permitted to conduct casework without the express direction of the client.

4. **"Whether bullets removed from deceased appropriately identified on IFL Firearm Report? [sic]"**
 - a. Please refer to the answer to Complaint #2.
5. **"Whether the 'entry wound' and 'exit wound' was inappropriately misjudged? [sic]"**
 - a. IFL cannot comment on Complaint #5 as it was not part of IFL's examination.
6. **"Whether medal jacket and bullet core are the same in one and if DNA performed? [sic]"**
 - a. It is not clear to which evidence item Complaint #6 is referring to. However, no bullet core was identified during the forensic examination of this case. DNA testing was not performed as it was not requested. One bullet (Item #49) was recovered at autopsy.
7. **"Whether the bullets from deceased was weighed using 'Table of Sizing for Lead Shot (United States). Example: Shot Size: 1 BUCK, Diameter: 7.62, Number Per Ounce: 10.9, Weight gain: 40.0, Weight gram: 2.59. [sic]"**
 - a. All fired ammunition evidence examined under IFL case #1107170 were weighed using an identified, validated, and calibrated balance in accordance with accredited procedures. Calibers, when reported, were identified using validated and accredited methods in accordance with accepted procedures published by the Association of Firearm and Tool Mark Examiners. Shot pellet sizing was not conducted in this case as no shot pellets were submitted.

I hope, if nothing else, that these responses bring some clarity and closure to Mrs. Rogers. I will be present at the TFSC meeting February 12, 2016 to personally address the issues brought forward in this Complaint and provide, if requested, additional information. Thank you for your consideration in this matter.

Sincerely,

Ronald T. Fazio