



TEXAS FORENSIC
SCIENCE COMMISSION
Justice Through Science

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

March 29, 2017

Mr. Errick Johnson
TDCJ# 1149277
Eastham Unit
2665 Prison Rd #1
Lovelady, TX 75851

Re: Disposition of Complaint

Dear Mr. Johnson:

This is to let you know that your complaint against Dr. Stephen K. Wilson concerning an autopsy has been dismissed. I have enclosed a copy of the statute containing the language excluding autopsies from the definition of "forensic analysis" as the term applies to the Texas Forensic Science Commission. Also enclosed is the cover letter to the complaint form and a copy of my letter to you dated February 22, 2017 that both state autopsies are specifically outside the Commission's purview.

I previously furnished you with a complaint form for the Texas Medical Association ("TMA"), the regulatory body for physicians. TMA is the proper forum for filing a complaint against a medical examiner.

Thank you.

Sincerely,

A handwritten signature in black ink, reading "Kathryn Adams", is written over the typed name.

Kathryn Adams
Commission Coordinator

/mka
Encl.

CODE OF CRIMINAL PROCEDURE

TITLE 1. CODE OF CRIMINAL PROCEDURE

CHAPTER 38. EVIDENCE IN CRIMINAL ACTIONS

Art. 38.01. TEXAS FORENSIC SCIENCE COMMISSION

Sec. 1. CREATION. The Texas Forensic Science Commission is created.

Sec. 2. DEFINITIONS. In this article:

(1) "Accredited field of forensic science" means a specific forensic method or methodology validated or approved by the commission under this article.

(2) "Commission" means the Texas Forensic Science Commission.

(3) "Crime laboratory" has the meaning assigned by Article 38.35.

(4) "Forensic analysis" means a medical, chemical, toxicologic, ballistic, or other expert examination or test performed on physical evidence, including DNA evidence, for the purpose of determining the connection of the evidence to a criminal action, except that the term does not include the portion of an autopsy conducted by a medical examiner or other forensic pathologist who is a licensed physician.

Text of subdivision as added by Acts 2015, 84th Leg., R.S., Ch. 1215 (S.B. 1743), Sec. 8

(5) "Office of capital and forensic writs" means the office of capital and forensic writs established under Subchapter B, Chapter 78, Government Code.

Text of subdivision as added by Acts 2015, 84th Leg., R.S., Ch. 1276 (S.B. 1287), Sec. 1

(5) "Physical evidence" has the meaning assigned by Article 38.35.

Sec. 3. COMPOSITION. (a) The commission is composed of nine members appointed by the governor as follows:

(1) two members who must have expertise in the field of



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TEXAS FORENSIC SCIENCE COMMISSION COMPLAINT FORM

Please complete this form and return to:

Texas Forensic Science Commission
1700 North Congress Avenue, Suite 445
Austin, Texas 78701
Email: info@fsc.texas.gov
[P] 1.888.296.4232
[F] 1.888.305.2432

The Texas Forensic Science Commission ("FSC") investigates complaints alleging professional negligence or misconduct that would substantially affect the integrity of the results of a forensic analysis conducted by an accredited crime laboratory. The Commission also has jurisdiction to investigate non-accredited forensic disciplines and non-accredited entities under more limited circumstances, such as to make observations regarding best practices or for educational purposes. (For a comprehensive review of the Commission's jurisdiction, please refer to Tex. Code Crim. Proc. 38.01 as amended by Tex. S.B. 1238, 83rd Leg., R.S. (2013)).

Please be aware that the FSC investigates allegations involving "forensic analysis." This term includes any medical, chemical, toxicological, ballistic, or other expert examination or test performed on physical evidence, including DNA evidence, for the purpose of determining the connection of the evidence to a criminal action.

However, the term "forensic analysis" does not include the portion of an autopsy conducted by a medical examiner or other forensic pathologist who is a licensed physician. Please be advised that if you submit a complaint regarding the results of an autopsy, it is highly likely your complaint will be dismissed. (Note: the forensic testing done in connection with an autopsy, such as toxicology, is included within the Commission's jurisdiction even though the autopsy itself is not.)

The FSC will examine the details of your complaint to determine what level of investigation to perform, if any. All complaints are taken seriously. Because of the complex nature and number of complaints received by the FSC, we cannot give you any specific date by which that review may be completed.

If the criteria for an investigation are met, the FSC will send a letter to the laboratory/facility and/or individual(s) named in the complaint indicating that the FSC has received the complaint. The FSC will then request a response from the entity and/or individual who is the subject of the complaint. We may also need to obtain additional information from you.

If the criteria for an investigation are not met or the FSC declines to investigate further, you will receive a letter from the FSC.

The Commission's statute allows it to withhold from disclosure information submitted regarding a complaint until the final investigative report is issued. **However, after a report is issued, all information and complaints are subject to public disclosure under the Texas Public Information Act (Texas Government Code Chapter 552).**

You may submit a complaint without disclosing your identity. However, the FSC cannot guarantee your anonymity. Also, please note that filing a complaint without disclosing your identity may impede the investigation process, especially if our ability to contact you is limited.

Your cooperation, patience and understanding are appreciated.



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*1700 North Congress Ave., Suite 445
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February 22, 2017

Mr. Errick Johnson
TDCJ# 1149277
Eastham Unit
2665 Prison Rd #1
Lovelady, TX 75851

Re: Response to your letter to Texas Forensic Science Commission ("TFSC")

Dear Mr. Johnson:

In response to your recent letter I am letting you know that **TFSC is prohibited by statute from reviewing autopsies.** Physicians have their own regulatory body (the Texas Medical Association) whereas TFSC is the regulatory agency for forensic laboratories.

You also make allegations of ineffective representation by your trial attorney. The oversight body for attorneys is the Texas State Bar. As a courtesy, I am enclosing complaint forms for both of the referenced organizations.

TFSC is the correct place to file a complaint against a forensic analyst or forensic laboratory. If you end up having such a complaint, let me know and I will forward one of our forms. Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Kathryn Adams".

Kathryn Adams
Commission Coordinator

/mka
Encl.