



TEXAS FORENSIC
SCIENCE COMMISSION

Justice Through Science

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

September 28, 2017

Via First Class Mail

Mr. Roy L. Smithwick, Jr.
TDCJ# 622814
McConnell Unit
3001 S. Emily Dr.
Beeville, TX 78102

Re: Texas Forensic Science Commission ("Commission") Complaint No. 17.24
Smithwick, Roy (Bexar Co. CIL/Ballistics & Serology)

Dear Mr. Smithwick,

At its August 18, 2017 meeting the Commission voted to dismiss your complaint for failure to state an allegation of negligence or misconduct related to the forensic analyses in your case. The allegations in your complaint related to Ronald Dodson's firearms analysis are unsupported by the materials you have provided and the laboratory was unable to locate any supplemental data or case file because of the age of your case.

With regard to your complaint that serological enzyme testing was an unacceptable method of testing in 1991, this allegation is incorrect. Enzyme testing was an appropriate method of testing in 1991 and still is today. With regard to your allegation that DNA testing should have been performed, the Commission has no authority to order DNA testing in a particular case.

The general, non-scientific issues you raise related to Fred Zain's fabricated testimony and alleged misconduct by the prosecution are issues best adjudicated through an appeals process. The Commission's jurisdiction extends only to the lab work done in your case; it has no authority over attorneys and no control over evidence a judge allows to be admitted at trial.

We recommend contacting one of the various innocence clinics in Texas. A list is enclosed for your convenience.

Should new material become available in your case, please feel free to submit a new complaint. Please contact me if I may be of any additional assistance.

Sincerely



Kathryn Adams
Commission Coordinator

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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

The Innocence Project of Texas
300 Burnett, Suite 160
Ft. Worth, Texas 76102
Contact: Mike Ware

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