



TEXAS FORENSIC
SCIENCE COMMISSION

Justice Through Science

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

October 10, 2017

Via First Class Mail

Mr. Eugenio L. Rodriguez
TDCJ# 382692
Bill Clements Unit
9601 Spur 591
Amarillo, TX 79107-9606

Re: Texas Forensic Science Commission ("TFSC") Complaint No. 17.40
Eugenio L. Rodriguez (Lab Unspecified; DNA)

Dear Mr. Rogriguez:

This letter is to let you know that your complaint was dismissed by the TFSC. TFSC's general counsel consulted Mr. Bob Wicoff regarding a letter sent to you on August 15, 2016 by the DNA review team.

Mr. Wicoff explained his original letter erroneously referenced DNA testing performed in your case. In fact, DNA testing was not performed at all as it was not in use at the time of the offense. Mr. Wicoff sent another letter dated August 4, 2017 explaining the error; a copy of this letter is enclosed.

Additional testing of evidence is a matter of court and should be addressed by your legal representative. To that end, I have enclosed a list of innocence clinics operating in the state of Texas should you wish to submit the facts of your case to them for review and possible representation.

Thank you and please let me know if I may be of any additional assistance.

Sincerely,

A handwritten signature in blue ink that reads "Kathryn Adams".

Kathryn Adams
Commission Coordinator

/mka
Encl.

Texas DNA Mixture Review Project
P. O. Box 283
Houston, Texas 77001

August 4, 2017

Eugenio Rodriguez
TDCJ # 00382692
Bill Clements Unit
9601 SPUR 591
Amarillo, Texas 79107-9696

Re: *The State of Texas vs. Eugenio Rodriguez*; Andrews County, Texas
Cause number 1532

Dear Mr. Rodriguez:

With regard to the correspondence sent to you by our project, dated August 15, 2016, it was in error.

Unfortunately, I cannot monitor all of the nearly 3,000 cases that our project has been asked to review since its inception. That task must necessarily be delegated in large part to others. I'm sorry that the letter that was sent to you was misleading.

The letter that we sent to you suggests that DNA of some kind was done in your case. However, the date of offense in your case was April 20, 1982. You were sentenced December 7, 1983. There could not have been any DNA testing in your case prior to the date of sentencing because there was no DNA testing at that time. DNA was not used at all until 1986. It did not come into widespread use until well after that. Moreover, the specific DNA problem we're investigating did not arise until 1998.

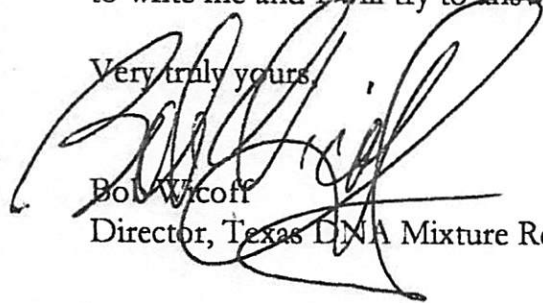
So the letter we sent to you last year, which says "the lab which did the DNA testing in your case has now reported that the testing done in your case was not the type of testing that has come into question," was simply a mistake. The lab did not report that. They couldn't have, because as I said, there was no DNA testing at the time you were sentenced. We should have explained that initially. Again, I'm sorry for any misunderstanding.

Unless you are aware of some kind of DNA testing done in your case much later, like after you filed a motion for DNA testing (which only became available after 2001),

there's nothing for us to review. There was no DNA testing prior to you being convicted.

So our review in your case has ended. If you have further questions, please don't hesitate to write me and I will try to answer them as best I can.

Very truly yours,

A large, stylized handwritten signature in black ink, appearing to read 'Bob Wicoff', is written over the typed name and title.

Bob Wicoff
Director, Texas DNA Mixture Review Project

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