

TEXAS FORENSIC SCIENCE COMMISSION

Justice Through Science

NINTH ANNUAL REPORT
December 2019–November 2020



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EXHIBIT LIST

Exhibit A	Copy of Texas Code of Criminal Procedure Article 38.01
Exhibit B	FY2021 Budget Plan
Exhibit C	Complaint/Disclosure Spreadsheet

I. Introduction and Background

This report covers Commission activities from December 1, 2019 through November 30, 2020. The Commission is part of the Office of Court Administration which publishes an annual report that includes a section on the Forensic Science Commission. Copies of the Office of Court Administration's annual reports can be found [here](#).

The Texas Legislature created the Commission during the 79th Legislative Session by passing House Bill 1068. HB 1068 amended the Texas Code of Criminal Procedure to add Article 38.01, which describes the composition and authority of the Commission. The Commission is required to investigate allegations of professional negligence or professional misconduct that would substantially affect the integrity of the results of a forensic analysis conducted by a crime laboratory. The Legislature also requires the Commission to develop and implement a reporting system through which accredited crime laboratories report professional negligence or misconduct. During subsequent legislative sessions, the Texas Legislature further amended the Code of Criminal Procedure to clarify and expand the Commission's jurisdictional responsibilities to include oversight of the State's crime laboratory accreditation and forensic analyst licensing programs. The Commission is also actively engaged in various forensic development initiatives and works collaboratively with stakeholders in the criminal justice system to improve education and training in forensic science and the law. For a complete historical perspective on the creation and evolution of the Commission, please see Section II of the Commission's first annual report, which may be obtained on the Commission's website or by emailing Commission staff at info@fsc.texas.gov.

II. Forensic Science Commission Members and Budget

A. Appointments to Date

To date, the FSC has had 33 different Commissioners and currently has 5 full-time staff members. Following is a table providing appointment and expiration dates for current members as of November 30, 2020 as well as the basis for each appointment. Commissioner Pat Johnson resigned in September 2020 and his seat remains open.

Current Members	Original Appointment	Basis for Appointment	Expiration Date
Jeffrey Barnard, MD <i>Presiding Officer</i>	10/31/2011	UT—Forensic Pathology (Dallas) Art 38.01, Section 3(a)(4)	09/01/2021
Bruce Budowle, Ph.D.	11/28/2016	UNTHSC Director—Missing Persons DNA (Fort Worth) Article 38.01, Section 3(a)(7)	09/01/2022
Patrick Buzzini, Ph.D.	04/04/2019	SHSU Faculty—Materials (Trace) (Huntsville) Article 38.01. Section 3(a)(8)	09/01/2022
Mark Daniel, J.D.	11/28/2016	TCDLA—Defense Counsel (Fort Worth) Article 38.01, Section 3(a)(3)	09/01/2021
Nancy Downing, Ph.D.	11/28/2016	Texas A&M Faculty— Forensic Nursing (College Station) Article 38.01, Section 3(a)(5)	09/01/2022
Jasmine Drake, Ph.D.	11/28/2016	TSU Faculty—Forensic Chemistry (Houston) Article 38.01, Section 3(a)(6)	09/01/2022
Michael Coble, Ph.D.	11/19/2020	Forensic Biology/DNA (Fort Worth) Article 38.01, Section 3(a)(1)	09/01/2021

Sarah Kerrigan, Ph.D.	11/28/2016	Forensic Toxicology (The Woodlands) Article 38.01, Section 3(a)(1)	09/01/2021
Jarvis Parsons, J.D.	11/28/2016	TDCAA--Prosecutor (Brazos) Article 38.01, Section 3(a)(2).	09/01/2021

B. Annual Budget

The FSC's annual budget is \$563,900 plus up to \$153,000 available in collected licensing program fees for fiscal year 2021. A copy of the FSC's projected budget for FY2020 is attached as **Exhibit B**. The Commission will dedicate funds to the following critical priorities during FY2021: (1) funding of staff salary and overhead; (2) complaint and disclosure investigative activities; (3) management and administration of the laboratory accreditation program; (4) management and administration of the forensic analyst licensing program; (5) discipline-specific reviews and related training and forensic education initiatives; (6) forensic development, including collaboration with the National Institute of Science and Technologies Organization of Scientific Area Committees on implementing uniform forensic standards in Texas; and (7) other collaborative training projects. **Exhibit B** provides a breakdown of projected costs in major categories.

III. Summary of Complaints and Disclosures

A. Complaint/Disclosure Tally

Commission staff receives complaints from a range of sources, including but not limited to attorneys (both defense and prosecution), current inmates and their families/friends, national advocacy groups, former laboratory employees, other laboratories and interested members of the public. The Commission relies upon accredited crime laboratories, attorneys and interested members of the public to bring issues of concern to the Commission's attention. For a complete

summary of the Commission's investigative jurisdiction, please see Section II of the Commission's seventh annual report.

To date, the Commission has received a total of 328 complaints and 109 self-disclosures, and has disposed of 336 complaints and disclosures, either through dismissal, investigation and release of a report, and/or referral to another agency. Of the 537 complaints and self-disclosures received, 63 were received from December 1, 2019 through November 30, 2020. The Commission currently has 13 open complaints/self-disclosures, including 5 active investigations. A complete spreadsheet detailing the disposition and status of each complaint is provided at **Exhibit C**.

B. Complaint/Disclosure Screening Process

Pursuant to Section 3 of the Commission's Policies and Procedures, the Commission's Complaint and Disclosure Screening Committee conducts an initial review of complaints and disclosures before each meeting as necessary. After discussion, the Committee makes a recommendation on what further action, if any, is merited for each complaint or self-disclosure received. The Committee's opinion is presented to the full Commission for consideration and deliberation during the quarterly meeting.

The Commission may only review allegations of professional negligence or misconduct for those cases involving accredited crime laboratories and accredited forensic disciplines. The Commission receives many complaints falling outside those statutory requirements, and typically will only review cases involving unaccredited disciplines and entities if a majority of the Commission determines the review would be an effective use of public resources and is likely to benefit the criminal justice system in Texas. Many complaints are dismissed because they do not meet these standards. Other complaints are dismissed because they lack fundamental information or simply fail to state an actual complaint regarding forensic analysis as that term is defined in the Texas Code of Criminal Procedure. Finally, the Commission must dismiss any complaint

involving the portion of an autopsy conducted by a medical examiner or other forensic pathologist who is a licensed physician. *See* TEX. CODE CRIM. PROC. 38.01, § 2(4).

IV. Summary of Pending Complaint and Disclosure Investigations and Final Reports Issued from December 1, 2019 to November 30, 2020.

As of the date of this report, two complaints and three disclosures are pending investigation and release of a final report by the Commission: (1) a complaint by DNA consultant, Dr. Robert Collins, alleging a DPS – Houston DNA analyst falsely reported an inconclusive result that should have been an exclusion in a capital murder trial; (2) a complaint by employee and analyst Trisa Crutcher alleging numerous violations of federal and state criminal laws, laboratory policies, accreditation standards and corruption of laboratory personnel by the Fort Worth Police Department Crime Laboratory, including a complaint of retaliatory actions by laboratory management in response to reporting violations; (3) a self-disclosure by Department of Public Safety Austin reporting an incident in its trace evidence section where a licensed Materials (Trace) analyst lost a hair sample for potential DNA analysis during transfer of the evidentiary items from glass slides used during analysis to storage containers and subsequently falsified the record by renumbering the evidentiary items to make it appear as if the hair had not been lost; and (4) a self-disclosure by Department Public Safety Austin reporting an incident in the laboratory's seized drugs section where an analyst trainee copied the answers from another person's assessment materials and submitted them as his own during his new employee training process. The Commission is currently in the process of investigating these incidents and plans to issue final reports addressing the complaints and disclosures in early 2021. Copies of final reports are published on the Commission's website.

In 2020, the Commission released an investigative report for a self-disclosure by NMS Labs reporting an incident where a seized drugs analyst engaged in the inappropriate manipulation of data during a competency test for a new qualitative analytical method that includes a quantitative

decision point. The method was used to distinguish legal hemp from illegal marihuana. The Commission also approved an investigative report that is pending publication regarding a self-disclosure by Signature Science, LLC involving professional misconduct by an evidence technician where the technician misrepresented that she opened a sexual assault kit to check for blood evidence and further revised chain-of-custody documentation. The technician took steps to make it appear as if she had opened the kit by re-taping the evidence, providing her initials on the tape and back-dating the initials. Copies of all final investigative reports may be found on the Commission's website [here](#).

VII. Discipline-Specific Reviews

A. Crime Scene Reconstruction, including Bloodstain Pattern Analysis

1. Background

At its May 26, 2017 meeting, the Commission reviewed a self-disclosure from the Houston Forensic Science Center ("HFSC") describing nonconformities in its Crime Scene Unit including deficiencies in documentation, collection, recovery and preservation of evidence at multiple crime scenes that led to the removal of a crime scene investigator and a technical supervisor. The Commission voted to form an investigative panel consisting of Commissioners Mr. Pat Johnson, Mr. Jarvis Parsons and Dr. Jasmine Drake. The same investigative panel combined its observations about best practices for crime scene investigation made in the HFSC disclosure with recommendations for accreditation of crime scene analysis and reconstruction, including bloodstain pattern analysis made in the Commission's investigation of a complaint filed by Walter Reaves on behalf of defendant Joe Bryan. A copy of the Commission's final investigative report can be found on the Commission's website.

2. Considerations re: Accreditation and Licensing in Crime Scene Discipline

On January 22, 2018, the panel and Commissioners held a hearing during which invited

stakeholders in the area of crime scene analysis and reconstruction provided testimony on their practice and its scientific support and answered questions about whether accreditation should be required for the discipline. At its April 2018 quarterly meeting, Commissioners decided to temporarily exempt the discipline from accreditation requirements to provide an adequate timeframe for the development of an accreditation program for the discipline. In the interim, the Commission and the panel formed a collaborative working group of crime scene investigation practitioners and other interested stakeholders that has met four times since May 2018 to develop standards of practice for crime scene investigation and analysis, including bloodstain pattern analysis. The group began by distinguishing crime scene processing and investigation activities from crime scene reconstruction and analysis activities by defining applicable terms. Over 2,400 law enforcement agencies across Texas engage in crime scene processing activities that are integral to any case investigation. Only a limited number of practitioners engage in crime scene analysis and reconstruction, including bloodstain pattern analysis. With respect to crime scene processing and recommendations for best practices, the panel and working group members worked closely with the Texas Commission on Law Enforcement to revise the Basic Peace Officer Training Course to include what was previously an intermediate level crime scene investigator course in the basic course and to update instructional material provided for crime scene processing.

3. Voluntary License for Crime Scene Reconstruction Analysts

With respect to crime scene analysis and reconstruction, including bloodstain pattern analysis, the working group, at its July 15, 2019 meeting, changed its recommended oversight approach from accreditation to voluntary licensure of crime scene reconstruction analysts. This change was due in significant part to resource challenges expressed by law enforcement agencies in rural jurisdictions. The group is now working on licensing requirements that will be proposed and evaluated by the Commission's Licensing Advisory Committee and presented to the full

Commission for approval and final recommendation. At the Commission's August 16, 2019 quarterly meeting, the Commission approved the approach of voluntary licensure for crime scene reconstructionists in Texas after weighing related costs, necessary levels of oversight and staffing concerns. At the Commission's June 12, 2020 quarterly meeting, the Commission approved an outline of requirements for the program. The Commission expects to launch the program for voluntary licensure of crime scene analysts in 2021.

4. DNA Guidance Document for Crime Scene Reconstructionists

In addition to the development of voluntary licensing rules, the Commission's crime scene working group also worked closely with DNA experts in the State to discuss publishing a guidance document regarding the limitations of DNA analysis (especially mixtures) as a tool in scene reconstruction. The Commission expects to publish the guidance document in early 2021.

V. Additional Items Required in Annual Report by Statute

A. Accreditation Update

As part of its statutory Annual Report requirement, the Commission must describe any forensic method or methodology the Commission designates as part of the accreditation process for crime laboratories.¹ The Commission made no changes to its accreditation requirements or to its lists of forensic disciplines either subject to or exempt from accreditation requirements in Texas for the period December 1, 2019 through November 30, 2020.

B. Forensic Analysis Definition

In addition to the explanation of accreditation changes, the Commission's enabling statute also requires a report on recommendations for "best practices concerning the definition of 'forensic analysis' provided by statute or by rule" each year. The Commission has not identified any

¹ TEX. CODE CRIM. PROC. art 38.01 §8(2).

recommendations regarding the definition of “forensic analysis.” The Commission may revise its conclusion on this issue as necessary to ensure the advancement of forensic science in Texas.

C. Developments in Forensic Science Made or Used in Other State or Federal Investigations and the Activities of the Commission with Respect to Those Developments.

On September 10, 2019, the Commission’s General Counsel, Lynn Garcia, was invited by Chairwoman Eddie Bernice Johnson to speak before the United States House of Representatives Committee on Science, Space, & Technology at the Committee’s hearing to provide remarks on how Texas has strengthened forensic science and what challenges remain for our state. The hearing can be accessed at the following: <https://www.youtube.com/watch?v=jrNIUTJK8hl&feature=youtu.be>. The Committee is assessing the progress in forensic science since the 2009 National Academy of Sciences report and will examine the role of the National Institute of Standards and Technology (NIST) in the advancement of forensic science research and standards.

At its October 24, 2019 meeting, the Commission voted to recommend that Texas-accredited crime laboratories voluntarily adopt Organization of Scientific Area Committee (OSAC) Registry standards. OSAC is an organization administered by the National Institute for Standards and Technology (NIST) working to strengthen forensic practice through improved standards by 1) facilitating the development of technically sound, science-based standards through a formal standard developing organization (SDO) process; 2) evaluating existing standards published by SDOs for placement on the OSAC Registry; and 3) promoting the use of OSAC Registry approved standards throughout the national forensic science community. The Commission is working with the OSAC Program Office to implement uniform standards across Texas-accredited crime laboratories.

D. Other Relevant Information

Over the past year, the Commission worked with Sam Houston State University to facilitate an interlaboratory study for purpose of validating a qualitative method to distinguish hemp from marihuana. Texas DPS, the Houston Forensic Science Center and Harris County Institute for Forensic Science recently began offering the new method for analyzing plant material. More detailed information on the validation effort may be found on the Commission's website.

In October 2020, staff launched a new Legal and Professional Responsibility Training developed for forensic analysts in the state. The Commission also began a collaboration with national subject matter experts, including faculty from the Center for Statistics and Applications in Forensic Evidence (CSAFE) on a Scientific Literacy Project that will incorporate various online forensic science training and education modules for lawyers as well as a forensic bench book for judges.

EXHIBIT A

[Tex. Code Crim. Proc. Art. 38.01](#)

This document is current through the most recent legislation which is the 2019 Regular Session, 86th Legislature, and the 2019 election results.

***Texas Statutes & Codes Annotated by LexisNexis® > Code of Criminal Procedure > Title 1
Code of Criminal Procedure of 1965 (Arts. 1.01 – 67.305) > Trial and Its Incidents (Chs. 32 – 39)
> Chapter 38 Evidence in Criminal Actions (Arts. 38.01 – 38.50)***

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.
- (5)“Office of capital and forensic writs” means the office of capital and forensic writs established under Subchapter B, Chapter 78, Government Code.
- (6)“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 forensic science;
- (2)one member who must be a prosecuting attorney that the governor selects from a list of 10 names submitted by the Texas District and County Attorneys Association;
- (3)one member who must be a defense attorney that the governor selects from a list of 10 names submitted by the Texas Criminal Defense Lawyers Association;
- (4)one member who must be a faculty member or staff member of The University of Texas who specializes in clinical laboratory medicine that the governor selects from a list of five names submitted by the chancellor of The University of Texas System;
- (5)one member who must be a faculty member or staff member of Texas A&M University who specializes in clinical laboratory medicine that the governor selects from a list of five names submitted by the chancellor of The Texas A&M University System;
- (6)one member who must be a faculty member or staff member of Texas Southern University that the governor selects from a list of five names submitted by the chancellor of Texas Southern University;
- (7)one member who must be a director or division head of the University of North Texas Health Science Center at Fort Worth Missing Persons DNA Database; and

(8)one member who must be a faculty or staff member of the Sam Houston State University College of Criminal Justice and have expertise in the field of forensic science or statistical analyses that the governor selects from a list of five names submitted by the chancellor of the Texas State University System.

(b)Each member of the commission serves a two-year term. The terms expire on September 1 of:

- (1)**each odd-numbered year, for a member appointed under Subsection (a)(1), (2), (3), or (4); and
- (2)**each even-numbered year, for a member appointed under Subsection (a)(5), (6), (7), or (8).

(c)The governor shall designate a member of the commission to serve as the presiding officer.

Sec. 3-a. Rules. The commission shall adopt rules necessary to implement this article.

Sec. 4. Duties.

(a)The commission shall:

- (1)**develop and implement a reporting system through which a crime laboratory may report professional negligence or professional misconduct;
- (2)**require a crime laboratory that conducts forensic analyses to report professional negligence or professional misconduct to the commission; and
- (3)**investigate, in a timely manner, any allegation of professional negligence or professional misconduct that would substantially affect the integrity of the results of a forensic analysis conducted by a crime laboratory.

(a-1)The commission may initiate for educational purposes an investigation of a forensic analysis without receiving a complaint, submitted through the reporting system implemented under Subsection (a)(1), that contains an allegation of professional negligence or professional misconduct involving the forensic analysis conducted if the commission determines by a majority vote of a quorum of the members of the commission that an investigation of the forensic analysis would advance the integrity and reliability of forensic science in this state.

(b)If the commission conducts an investigation under Subsection (a)(3) of a crime laboratory that is accredited under this article pursuant to an allegation of professional negligence or professional misconduct involving an accredited field of forensic science, the investigation:

(1)must include the preparation of a written report that identifies and also describes the methods and procedures used to identify:

- (A)**the alleged negligence or misconduct;
- (B)**whether negligence or misconduct occurred;
- (C)**any corrective action required of the laboratory, facility, or entity;
- (D)**observations of the commission regarding the integrity and reliability of the forensic analysis conducted;
- (E)**best practices identified by the commission during the course of the investigation; and
- (F)**other recommendations that are relevant, as determined by the commission; and

(2)may include one or more:

- (A)**retrospective reexaminations of other forensic analyses conducted by the laboratory, facility, or entity that may involve the same kind of negligence or misconduct; and
- (B)**follow-up evaluations of the laboratory, facility, or entity to review:
 - (i)**the implementation of any corrective action required under Subdivision (1)(C); or
 - (ii)**the conclusion of any retrospective reexamination under Paragraph (A).

(b-1) If the commission conducts an investigation under Subsection (a)(3) of a crime laboratory that is not accredited under this article or the investigation is conducted pursuant to an allegation involving a forensic method or methodology that is not an accredited field of forensic science, the investigation may include the preparation of a written report that contains:

- (1)** observations of the commission regarding the integrity and reliability of the forensic analysis conducted;
- (2)** best practices identified by the commission during the course of the investigation; or
- (3)** other recommendations that are relevant, as determined by the commission.

(b-2) If the commission conducts an investigation of a forensic analysis under Subsection (a-1), the investigation must include the preparation of a written report that contains:

- (1)** observations of the commission regarding the integrity and reliability of the forensic analysis conducted;
- (2)** best practices identified by the commission during the course of the investigation; and
- (3)** other recommendations that are relevant, as determined by the commission.

(c) The commission by contract may delegate the duties described by Subsections (a)(1) and (3) to any person the commission determines to be qualified to assume those duties.

(d) The commission may require that a crime laboratory investigated under this section pay any costs incurred to ensure compliance with Subsection (b), (b-1), or (b-2).

(e) The commission shall make all investigation reports completed under Subsection (b), (b-1), or (b-2) available to the public. A report completed under Subsection (b), (b-1), or (b-2), in a subsequent civil or criminal proceeding, is not prima facie evidence of the information or findings contained in the report.

(f) The commission may not make a determination of whether professional negligence or professional misconduct occurred or issue a finding on that question in an investigation initiated under Subsection (a-1) or for which an investigation report may be prepared under Subsection (b-1).

(g) The commission may not issue a finding related to the guilt or innocence of a party in an underlying civil or criminal trial involving conduct investigated by the commission under this article.

(h) The commission may review and refer cases that are the subject of an investigation under Subsection (a)(3) or (a-1) to the office of capital and forensic writs in accordance with [Section 78.054\(b\), Government Code](#).

Sec. 4-a. Forensic analyst licensing.

(a) Notwithstanding Section 2, in this section:

(1) "Forensic analysis" has the meaning assigned by Article 38.35.

(2) "Forensic analyst" means a person who on behalf of a crime laboratory accredited under this article technically reviews or performs a forensic analysis or draws conclusions from or interprets a forensic analysis for a court or crime laboratory. The term does not include a medical examiner or other forensic pathologist who is a licensed physician.

(b) A person may not act or offer to act as a forensic analyst unless the person holds a forensic analyst license. The commission by rule may establish classifications of forensic analyst licenses if the commission determines that it is necessary to ensure the availability of properly trained and qualified forensic analysts to perform activities regulated by the commission.

(c) The commission by rule may establish voluntary licensing programs for forensic disciplines that are not subject to accreditation under this article.

(d) The commission by rule shall:

Tex. Code Crim. Proc. Art. 38.01

- (1) establish the qualifications for a license that include:
 - (A) successful completion of the education requirements established by the commission;
 - (B) specific course work and experience, including instruction in courtroom testimony and ethics in a crime laboratory;
 - (C) successful completion of an examination required or recognized by the commission; and
 - (D) successful completion of proficiency testing to the extent required for crime laboratory accreditation;
 - (2) set fees for the issuance and renewal of a license; and
 - (3) establish the term of a forensic analyst license.
- (e) The commission by rule may recognize a certification issued by a national organization in an accredited field of forensic science as satisfying the requirements established under Subsection (d)(1)(C) to the extent the commission determines the content required to receive the certification is substantially equivalent to the content of the requirements under that subsection.
- (f) The commission shall issue a license to an applicant who:
- (1) submits an application on a form prescribed by the commission;
 - (2) meets the qualifications established by commission rule; and
 - (3) pays the required fee.

Sec. 4-b. Advisory Committee.

- (a) The commission shall establish an advisory committee to advise the commission and make recommendations on matters related to the licensing of forensic analysts under Section 4-a.
- (b) The advisory committee consists of nine members as follows:
- (1) one prosecuting attorney recommended by the Texas District and County Attorneys Association;
 - (2) one defense attorney recommended by the Texas Criminal Defense Lawyers Association; and
 - (3) seven members who are forensic scientists, crime laboratory directors, or crime laboratory quality managers, selected by the commission from a list of 20 names submitted by the Texas Association of Crime Laboratory Directors.
- (c) The commission shall ensure that appointments under Subsection (b)(3) include representation from municipal, county, state, and private crime laboratories that are accredited under this article.
- (d) The advisory committee members serve staggered two-year terms, with the terms of four or five members, as appropriate, expiring on August 31 of each year. An advisory committee member may not serve more than two consecutive terms. A vacancy on the advisory committee is filled by appointing a member in the same manner as the original appointment to serve for the unexpired portion of the term.
- (e) The advisory committee shall elect a presiding officer from among its members to serve a one-year term. A member may serve more than one term as presiding officer.
- (f) The advisory committee shall meet annually and at the call of the presiding officer or the commission.
- (g) An advisory committee member is not entitled to compensation. A member is entitled to reimbursement for actual and necessary expenses incurred in performing duties as a member of the advisory committee subject to the General Appropriations Act.
- (h) Chapter 2110, Government Code, does not apply to the advisory committee.

Sec. 4-c. Disciplinary Action.

Tex. Code Crim. Proc. Art. 38.01

(a) On a determination by the commission that a license holder has committed professional misconduct under this article or violated this article or a rule or order of the commission under this article, the commission may:

- (1)** revoke or suspend the person's license;
- (2)** refuse to renew the person's license; or
- (3)** reprimand the license holder.

(b) The commission may place on probation a person whose license is suspended. If a license suspension is probated, the commission may require the license holder to:

- (1)** report regularly to the commission on matters that are the basis of the probation; or
- (2)** continue or review continuing professional education until the license holder attains a degree of skill satisfactory to the commission in those areas that are the basis of the probation.

(c) The commission shall give written notice by certified mail of a determination described by Subsection (a) to a license holder who is the subject of the determination. The notice must:

- (1)** include a brief summary of the alleged misconduct or violation;
- (2)** state the disciplinary action taken by the commission; and
- (3)** inform the license holder of the license holder's right to a hearing before the Judicial Branch Certification Commission on the occurrence of the misconduct or violation, the imposition of disciplinary action, or both.

(d) Not later than the 20th day after the date the license holder receives the notice under Subsection (c), the license holder may request a hearing by submitting a written request to the Judicial Branch Certification Commission. If the license holder fails to timely submit a request, the commission's disciplinary action becomes final and is not subject to review by the Judicial Branch Certification Commission.

(e) If the license holder requests a hearing, the Judicial Branch Certification Commission shall conduct a hearing to determine whether there is substantial evidence to support the determination under Subsection (a) that the license holder committed professional misconduct or violated this article or a commission rule or order under this article. If the Judicial Branch Certification Commission upholds the determination, the Judicial Branch Certification Commission shall determine the type of disciplinary action to be taken. The Judicial Branch Certification Commission shall conduct the hearing in accordance with the procedures provided by Subchapter B, Chapter 153, Government Code, as applicable, and the rules of the Judicial Branch Certification Commission.

Sec. 4-d. Crime Laboratory Accreditation Process.

(a) Notwithstanding Section 2, in this section "forensic analysis" has the meaning by Article 38.35.

(b) The commission by rule:

- (1)** shall establish an accreditation process for crime laboratories and other entities conducting forensic analyses of physical evidence for use in criminal proceedings; and
- (2)** may modify or remove a crime laboratory exemption under this section if the commission determines that the underlying reason for the exemption no longer applies.

(b-1) As part of the accreditation process established and implemented under Subsection (b), the commission may:

- (1)** establish minimum standards that relate to the timely production of a forensic analysis to the agency requesting the analysis and that are consistent with this article and applicable laws;
- (2)** validate or approve specific forensic methods or methodologies; and

Tex. Code Crim. Proc. Art. 38.01

(3) establish procedures, policies, and practices to improve the quality of forensic analyses conducted in this state.

(b-2) The commission may require that a laboratory, facility, or entity required to be accredited under this section pay any costs incurred to ensure compliance with the accreditation process.

(b-3) A laboratory, facility, or entity that must be accredited under this section shall, as part of the accreditation process, agree to consent to any request for cooperation by the commission that is made as part of the exercise of the commission's duties under this article.

(c) The commission by rule may exempt from the accreditation process established under Subsection (b) a crime laboratory conducting a forensic analysis or a type of analysis, examination, or test if the commission determines that:

(1) independent accreditation is unavailable or inappropriate for the laboratory or the type of analysis, examination, or test performed by the laboratory;

(2) the type of analysis, examination, or test performed by the laboratory is admissible under a well-established rule of evidence or a statute other than Article 38.35;

(3) the type of analysis, examination, or test performed by the laboratory is routinely conducted outside of a crime laboratory by a person other than an employee of the crime laboratory; or

(4) the laboratory:

(A) is located outside this state or, if located in this state, is operated by a governmental entity other than the state or a political subdivision of the state; and

(B) was accredited at the time of the analysis under an accreditation process with standards that meet or exceed the relevant standards of the process established under Subsection (b).

(d) The commission may at any reasonable time enter and inspect the premises or audit the records, reports, procedures, or other quality assurance matters of a crime laboratory that is accredited or seeking accreditation under this section.

(e) The commission may collect costs incurred under this section for accrediting, inspecting, or auditing a crime laboratory.

(f) If the commission provides a copy of an audit or other report made under this section, the commission may charge \$6 for the copy, in addition to any other cost permitted under Chapter 552, Government Code, or a rule adopted under that chapter.

Sec. 5. Reimbursement. —A member of the commission may not receive compensation but is entitled to reimbursement for the member's travel expenses as provided by Chapter 660, Government Code, and the General Appropriations Act.

Sec. 6. Assistance. —The Texas Legislative Council, the Legislative Budget Board, and The University of Texas at Austin shall assist the commission in performing the commission's duties.

Sec. 7. Submission. —The commission shall submit any report received under Section 4(a)(2) and any report prepared under Section 4(b)(1) to the governor, the lieutenant governor, and the speaker of the house of representatives not later than December 1 of each even-numbered year.

Sec. 8. Annual Report. —Not later than December 1 of each year, the commission shall prepare and publish a report that includes:

(1) a description of each complaint filed with the commission during the preceding 12-month period, the disposition of each complaint, and the status of any complaint still pending on December 31;

(2) a description of any specific forensic method or methodology the commission designates as part of the accreditation process for crime laboratories established by rule under this article;

(3) recommendations for best practices concerning the definition of “forensic analysis” provided by statute or by rule;

(4) developments in forensic science made or used in other state or federal investigations and the activities of the commission, if any, with respect to those developments; and

(5) other information that is relevant to investigations involving forensic science, as determined by the presiding officer of the commission.

Sec. 9. Administrative Attachment to Office of Court Administration.

(a) The commission is administratively attached to the Office of Court Administration of the Texas Judicial System.

(b) The Office of Court Administration of the Texas Judicial System shall provide administrative support to the commission as necessary to enable the commission to carry out the purposes of this article.

(c) Only the commission may exercise the duties of the commission under this article. Except as provided by Subsection (b), the Office of Court Administration of the Texas Judicial System does not have any authority or responsibility with respect to the duties of the commission under this article.

Sec. 10. Open Records Limitation. — Information that is filed as part of an allegation of professional misconduct or professional negligence or that is obtained during an investigation of an allegation of professional misconduct or professional negligence is not subject to release under Chapter 552, Government Code, until the conclusion of an investigation by the commission under Section 4.

Sec. 11. Report Inadmissible As Evidence. — A written report prepared by the commission under this article is not admissible in a civil or criminal action.

Sec. 12. Collection of Certain Forensic Evidence. The commission shall establish a method for collecting DNA and other forensic evidence related to unidentified bodies located less than 120 miles from the Rio Grande River.

Sec. 13. Texas Forensic Science Commission Operating Account. The Texas Forensic Science Commission operating account is an account in the general revenue fund. The commission shall deposit fees collected under Section 4-a for the issuance or renewal of a forensic analyst license to the credit of the account. Money in the account may be appropriated only to the commission for the administration and enforcement of this article.

History

Acts 2005, 79th Leg., ch. 1224 (H.B. 1068), § 1, effective September 1, 2005; am. Acts 2013, 83rd Leg., ch. 782 (S.B. 1238), §§ 1–4, effective June 14, 2013; am. [Acts 2015, 84th Leg., ch. 1215 \(S.B. 1743\), §§ 8, 9](#), effective September 1, 2015; am. [Acts 2015, 84th Leg., ch. 1276 \(S.B. 1287\), §§ 1–7](#), effective September 1, 2015; am. [Acts 2017, 85th Leg., ch. 212 \(S.B. 1124\), § 1](#), effective September 1, 2017; 2017, 85th Leg., ch. 324 (S.B. 1488), § 24.001(4), effective September 1, 2017; am. [Acts 2017, 85th Leg., ch. 1115 \(S.B. 298\), § 1](#), effective September 1, 2017; am. [Acts 2019, 86th Leg., ch. 574 \(S.B. 284\), § 1](#), effective September 1, 2019.

Annotations

LexisNexis® Notes

Notes

STATUTORY NOTES

Editor's Notes.

A former art. 38.01, Rules of Common Law, as added by Acts 1965, 59th Leg., ch. 722 (S.B. 107), § 1 was repealed by the Texas Court of Criminal Appeals pursuant to Acts 1985, 69th Leg., ch. 685 (H.B. 13), § 9.

Acts 2013, 83rd Leg., ch. 782 (S.B. 1238), § [7](#) provides: “The term of a person appointed under former Subdivision (3), Subsection (a), Section 3, *Article 38.01, Code of Criminal Procedure*, as that law existed immediately before the effective date of this Act [September 1, 2013], expires September 1, 2014, and the governor shall appoint a person to fill each vacancy on that date in accordance with Subdivisions (7) and (8), Subsection (a), Section 3, *Article 38.01, Code of Criminal Procedure*, as amended by this Act. On the expiration of a term under former Subdivision (1) or (2), Subsection (a), Section 3, *Article 38.01, Code of Criminal Procedure*, as that law existed immediately before the effective date of this Act, the governor shall appoint a person to fill each vacancy in accordance with Subdivision (1), (2), (3), (4), (5), or (6), Subsection (a), Section 3, *Article 38.01, Code of Criminal Procedure*, as amended by this Act, as applicable.”

Acts 2013, 83rd Leg., ch. 782 (S.B. 1238), § 8 provides: “Not later than December 1, 2014, the Texas Forensic Science Commission shall submit the first annual report required by Section 8, *Article 38.01, Code of Criminal Procedure*, as added by this Act.”

[Acts 2015 ch. 1276 \(S.B. 1287\) §17\(b\)](#) provides: Section 4-a(b), *Article 38.01, Code of Criminal Procedure*, as added by this Act, takes effect January 1, 2019.

Amendment Notes

2013 amendment, rewrote Section 2, which read: “Definition. —In this article, ‘forensic analysis’ has the meaning assigned by Article 38.35(a).”; in Section 3, rewrote (a), pertaining to the composition of member in the commission and rewrote (b), which read: “Each member of the commission serves a two-year term. The term of the members appointed under Subsections (a)(1) and (2) expires on September 1 of each odd-numbered year. The term of the members appointed under Subsection (a)(3) expires on September 1 of each even-numbered year.”; in Section 4, substituted “a crime laboratory may” for “accredited laboratories, facilities, or entities” in (a)(1), added “professional” after “negligence or” in (a)(1), (a)(2), and (a)(3), substituted “a crime laboratory” for “all laboratories, facilities, or entities” in (a)(2), substituted “a crime laboratory” for “an accredited laboratory, facility, or entity” in (a)(3), added (a-1), (b)(1)(D), (b)(1)(E), (b)(1)(F), (b-1), (b-2), (f), and (g), in the introductory language of (b), added “If the commission conducts” and “of a crime laboratory that is accredited by the Department of Public Safety under Section 411.0205, Government Code, pursuant to an allegation of professional negligence or professional misconduct involving an accredited field of forensic science, the investigation”; substituted “crime laboratory” for “laboratory, facility, or entity” in (d), and substituted “Subsection (b), (b-1), or (b-2)” for “Subsection (b)(1)” throughout (d) and (e); added Sections 8 through 11; and made related changes.

2015 amendment, by ch. 1215, added Section 2(5) and Section 4(h).

2015 amendment, by ch. 1276, in Section 2, substituted “commission under this article” for “public safety director of the Department of Public Safety under Section 411.0205(b-1)(2), Government Code, as part of the accreditation process for crime laboratories established by rule under Section 411.0205(b) of that code” in (1) and added (5); substituted “five names” for “10 names” in (a)(4), (a)(5), (a)(6), and (a)(8) of Section 3; substituted “under this article” for “by the Department of Public Safety under Section 411.0205, Government Code” in the introductory language of (b) and (b-1) of Section 4; added Sections 3-a, 4-a, 4-b, and 4-c.

2017 amendment by ch. 1115 (S.B. 298), § 1, added Section 13.

2017 amendment by ch. 212 (S.B. 1124), § 1, in Section 9, substituted “Office of Court Administration” for “Sam Houston State University” in the section heading; substituted “the Office of Court Administration of the Texas Judicial System” for “Sam Houston State University” at the end of (a); in (b), substituted “The Office of Court Administration of the Texas Judicial System” for “The Board of Regents of the Texas State University System” at the beginning, and added “enable the commission” following “necessary to”; and substituted “the Office of Court Administration of the Texas Judicial System does not have” for “neither the Board of Regents of the Texas State University System nor Sam Houston State University has” in (c).

2017 amendment by ch. 324 (S.B. 1488), § 24.001(4), redesignated Section 2, subdivision (5), as added by Acts 2015, ch. 1276 (S.B. 1287), as Section 2, subdivision (6).

The 2019 amendment rewrote (4-c)(c), which formerly read: “Disciplinary proceedings of the commission are governed by Chapter 2001, Government Code. A hearing under this section shall be conducted by an administrative law judge of the State Office of Administrative Hearings”; and added (4-c)(d) and (4-c)(e).

Case Notes

Notes to Unpublished Decisions

Criminal Law & Procedure: Bail: Conditions of Release

Unpublished decision: Habeas corpus was properly denied; the court did not abuse its discretion by increasing defendant's bail after he tested positive for marijuana because, even assuming that [Tex. Code Crim. Proc. Ann. art. 38.35](#) applied to bail proceedings and required evidence demonstrating that the entity conducting the drug test was accredited by the commission, defendant did not satisfy his burden at the hearing. [Ex parte Bernal, No. 10-16-00403-CR, 2017 Tex. App. LEXIS 4494 \(Tex. App. Waco May 17, 2017\)](#).

Opinion Notes

Attorney General Opinions

Investigative Authority.

By the plain language of *Tex. Code Crim. Proc. Ann. art. 38.01, § 4(a)(3)*, the Texas Forensic Science Commission does not have investigative authority over evidence tested or offered into evidence before September 1, 2005. 2011 Tex. Op. Att'y Gen. GA-0866.

The Forensic Science Commission's investigative authority under *Tex. Code Crim. Proc. Ann. art. 38.01, § 4(a)(3)* is limited to those laboratories, facilities, or entities that were accredited by the Department of Public Safety at the time the forensic analyses took place. 2011 Tex. Op. Att'y Gen. GA-0866.

The Forensic Science Commission (“FSC”) may not investigate fields of forensic analysis expressly excluded from the statutory definition of “forensic analysis”; forensic analysis that is neither expressly included nor excluded, but that falls under the generic definition of “forensic analysis” found in [Tex. Code Crim. Proc. Ann. art. 38.35\(a\)\(4\)](#), is generally subject to FSC investigation, assuming all other statutory requirements are satisfied. 2011 Tex. Op. Att’y Gen. GA-0866.

Accreditation.

A court would likely conclude that (1) “forensic analysis” as defined in [Tex. Code Crim. Proc. Ann. art. 38.35](#), from a crime laboratory that is neither accredited by the Forensic Science Commission nor exempt from accreditation by statute or administrative rule is inadmissible in a criminal action in a Texas court under art. 38.35(d)(1); and (2) the Commission may refrain from granting an exemption from accreditation under [Tex. Code Crim. Proc. Ann. art. 38.01](#), subpart (4-d)(c) in its reasonable discretion. 2017 Tex. Op. Att’y Gen. KP-0127.

Reporting.

A court would likely conclude that, pursuant to [Tex. Code Crim. Proc. Ann. art. 38.01](#), subpart 4(a)(2), a crime laboratory must report professional negligence or professional misconduct pertaining to forensic analyses in all disciplines-not just those that are accredited-to the Commission. 2017 Tex. Op. Att’y Gen. KP-0127.

Toxicological Analysis.

Post-mortem toxicological analysis requested by a medical examiner or forensic pathologist is subject to the Forensic Science Commission's accreditation authority only if it is performed for the purpose of determining the connection of physical evidence to a criminal action; such purpose depends on why a medical examiner or forensic pathologist requests the analysis, not how the results are ultimately used; whether any particular post-mortem toxicological analysis is performed for the purpose of determining the connection of physical evidence to a criminal action is for the Commission to determine in the first instance, subject to judicial review. 2018 Tex. Op. Att’y Gen. KP-0188.

EXHIBIT B

BUDGET STATUS REPORT FY21
10/09/20

Category	Description	YTD	Projected	Current Remaining	% Total Budget	% Projected Used	% Projected Remaining
FY21 Expenditures							
Staff salaries							
	<i>All labor costs for 5 full-time employees (includes EAP, Payroll Health Contributions, Payroll Retirement Contributions, and workers comp. for all 5 employees)</i>	79,580.04	478,542.64	398,962.60	65.37%	16.63%	83.37%
Travel for Commissioners, Licensing Advisory Committee Members and Staff							
	<i>Travel reimbursements</i>	-	20,000.00	20,000.00	2.73%	0.00%	100.00%
Conference/Training Fees/Membership Fees - 4 Staff							
	<i>All employee conference and professional membership fees</i>	-	3,000.00	3,000.00	0.41%	0.00%	100.00%
Office Supplies							
	<i>Office Supplies (file folders, copy paper, batteries, envelopes, etc.)</i>	-	1,000.00	1,000.00	0.14%	0.00%	100.00%
IT Services FY21							
	<i>WBT Systems - TopClass Licensing Software - Annual Maintenance Fee</i>	9,600.00	9,600.00	-	1.31%	100.00%	0.00%
	<i>WBT Systems - Renewal Application Status</i>	1,264.20	1,264.20	-	0.17%	100.00%	0.00%
	<i>WBT Systems - CFE Reporting Bar</i>	810.60	810.60	-	0.11%	100.00%	0.00%
	<i>WBT Systems - Post Provisional Fee</i>	1,516.20	1,516.20	-	0.21%	100.00%	0.00%
General Operating Expenses (copier, phone, internet, other utilities, including \$30K administrative fee to Office of Court Administration) FY21							
Encumbered Operating Expenses							
	<i>Administrative Fee - OCA</i>	30,000.00	30,000.00	-	4.10%	100.00%	0.00%
	<i>Xerox</i>	9,566.92	9,566.92	-	1.31%	100.00%	0.00%
	<i>Xerox Copies/Overages</i>	2,000.00	2,000.00	-	0.27%	100.00%	0.00%
	<i>Verizon</i>	1,367.64	1,367.64	-	0.19%	100.00%	0.00%
	<i>ATT (1-800 numbers and data)</i>	955.88	955.88	-	0.13%	100.00%	0.00%
	<i>DIR</i>	7,690.43	7,690.43	-	1.05%	100.00%	0.00%
	<i>Lexis Research</i>	1,555.68	1,555.68	-	0.21%	100.00%	0.00%
	<i>Dropbox</i>	211.08	211.08	-	0.03%	100.00%	0.00%
	<i>GoTo Meeting Annual Software License Fee</i>	192.00	192.00	-	0.03%	100.00%	0.00%
	<i>CenturyLink</i>	10.00	10.00	-	0.00%	100.00%	0.00%
	<i>Parking</i>	900.00	900.00	-	0.12%	100.00%	0.00%
	<i>Texas Directory</i>	7.95	7.95	-	0.00%	100.00%	0.00%

BUDGET STATUS REPORT FY21

10/09/20

	<i>Copy of General Appropriations Act Handbook</i>	15.00	15.00	-	0.00%	100.00%	0.00%
	<i>Code of Criminal Procedure Desk Reference 2020</i>	285.00	285.00	-	0.04%	100.00%	0.00%
Mailing/Fedex/PO Box							
	<i>Mail Service Costs (including annual PO Box fee)</i>	-	1,000.00	1,000.00	0.14%	0.00%	100.00%
Training and Forensic Development							
	<i>STRMix Travel/Training</i>	-	5,000.00	5,000.00	0.68%	0.00%	100.00%
	<i>Other Training Travel Reimbursements</i>	-	700.00	700.00	0.10%	0.00%	100.00%
	<i>Itiel Dror Cognitive Bias Training HCIFS</i>	-	9,000.00	9,000.00	1.23%	0.00%	100.00%
	<i>Bodziak Statewide Materials (Trace) Training</i>	-	15,500.00	15,500.00	2.12%	0.00%	100.00%
	<i>Forensic Benchbook Subject Matter Experts</i>	-	30,000.00	30,000.00	4.10%	0.00%	100.00%
	<i>NIST Subject Matter Groups on Implementation</i>	-	5,000.00	5,000.00	0.68%	0.00%	100.00%
Investigative Costs							
	<i>Case Transcripts</i>	-	2,000.00	2,000.00	0.27%	0.00%	100.00%
	<i>Other Investigative Costs</i>	-	13,000.00	13,000.00	1.78%	0.00%	100.00%
Discipline Specific Reviews							
	<i>Travel Reimbursements and other Costs for Crime Scene and other forensic workgroups</i>	-	10,000.00	10,000.00	1.37%	0.00%	100.00%
Licensing Program							
	<i>ACS Ventures/Psychometric testing</i>	-	4,500.00	4,500.00	0.61%	0.00%	100.00%
	<i>Licensing stickers for embossment</i>	-	238.15	238.15	0.03%	0.00%	100.00%
	<i>Shipping for certificates and stickers</i>	-	19.48	19.48	0.00%	0.00%	100.00%
	<i>Public Data - Criminal History Search Subscription</i>	-	370.00	370.00	0.05%	0.00%	100.00%
	<i>Licensing Card Printing</i>	563.85	1,000.00	436.15	0.14%	56.39%	43.62%
FY21 Revenue							
	<i>Licensing fee revenues available</i>	153,000.00	153,000.00				
		\$ 147,528.62	\$ 666,818.85	\$ 519,726.38		22.12%	77.94%
FY21 Budget Totals							
	<i>FY21 Budget Allocation</i>	\$ 563,900.00					
	<i>Current Revenue</i>	\$ 153,000.00					
Total Expendable Budget FY21		\$ 716,900.00					

EXHIBIT C

TFSC Case List 12/1/2019-11/30/2020

FILE NO.	COMPLAINT	DISCLOSURE	DOC DATE	DATE REC'D	COMPLAINANT/LAB	SUBJECT LAB	DISCIPLINE	LAB NOTIFIED	STATUS
19.48	X		12/2/2019	12/4/2019	Gerald J. Durden	Harris Co ME/HCIFs	Forensic Biology (DNA)	to HCIFs 12/9/2019	Dismissed
19.49	X		11/24/2019	12/9/2019	James A. Smiley	DPS Capitol	Forensic Biology (DNA)	to APD 1/8/20	Dismissed
19.50	X		12/3/2019	12/10/2019	Kendall James Newton	None specified	Toxicology/Blood Alcohol/DNA		Dismissed
19.51		X	12/13/2019	12/16/2019	Austin PD		Seized Drugin		NFA- Closed
19.52		X	12/30/2010	12/30/2019	DPS Abilene		Seized Drugs		NFA- Closed
19.53	X		11/26/2019	12/23/2019	John Henry Jackson	HPD/HFSC	Toxicology	to HFSC 1/9/20	Dismissed
19.54		X	10/17/2019	10/17/2019	Jefferson Co Regional CL		Seized Drugs		NFA- Closed
20.01	X		1/6/2020	1/6/2020	Inez Crowley	DPS Houston, Montgoi	DNA, FA/TM, Latent Prints	to Brady, Cele 1/6/20	Dismissed
REC'D SINCE JAN COMMISSION MTG									
20.02	X		1/3/2020	1/9/2020	Albert E. Hardy	None specified	DNA, Photo		Dismissed by staff
20.03		X			Harris Co IFS		Toxicology		NFA- Closed
20.04	X		1/7/2020	1/16/2019	Daniel L. Ruiz	None specified	None		Dismissed by staff
20.05	X		1/6/2020	1/15/2020	Antonio Cochran	SWIFS	Serology/DNA	to Woolridge 3/3/20	Dismissed
20.06	X		1/19/2020		Edward E. Johnson	DPS Austin	FATM/Latent Prints		Dismissed by staff
20.07	X				Jayden Green	DPS Austin	FATM/Latent Prints		Dismissed by staff
20.08	X				Angela Moore for Laura Day	Andrea Zafares	Crime Scene		Closed
20.09	X		2/12/2020		Keith Mitchell	DPS Austin	None specified		Dismissed by staff
20.10	X		2/10/2020	2/25/2020	Jerry Rangel	Bryan PD; DPS Austin	BPA; Forensic Biology/DNA	no lab needed, LG 4/1/20	Dismissed
20.11		X	1/15/2020	1/15/2019	NMS		Blood Alcohol		NFA- Closed
20.12		X	1/13/2020	1/13/2020	Bexar Co CIL		Trace	moved to accreditation	Withdrawn
20.13		X	1/30/2020	2/3/2020	Signature Science		Forensic Biology		Investigation Complete
20.14		X	2/7/2020	2/7/2020	FT. Worth PD		Drug Chemistry		NFA- Closed
20.15		X	2/26/2020	2/26/2020	DPS Austin		Toxicology		NFA- Closed
20.16	X		1/26/2020		Tristan Farmer	None specified	None		Dismissed by staff
20.17		X	3/16/2020	3/16/2020	Jefferson Co Regional CL		Seized Drugs		NFA- Closed
20.18		X	3/18/2020	3/18/2020	NMS (Worsham, PA)		Toxicology		NFA- Closed
20.19	X		3/6/2020	3/21/2020	Daniel Garcia	DPS Lubbock	Forensic Biology/DNA		Dismissed by staff
20.20	X		3/8/2020	3/21/2020	Jaime Apodaca	DPS Austin	Toxicology	No tox per Travis Co ME rpt	Dismissed by staff
20.21	X		3/9/2020	3/21/2020	Edward E. Johnson	DPS Austin	Forensic Biology/DNA	to Brady 3/23; SigSci 5/1	Dismissed by staff
20.22	X		3/10/2020	3/21/2020	Jerry McGavitt	DPS El Paso	Forensic Biology/DNA		Dismissed by staff
20.23	X		3/12/2020	3/21/2020	Abel L. Armendariz	DPS Lubbock	Forensic Biology/DNA		Dismissed by staff
20.24	X		Unknown	3/20/2020	Margaret Schmucker for Isidro Delacruz	Tom Green Co. Prosecc	BPA		Dismissed
20.25		X		3/23/2020	Jefferson Co Regional CL		Seized Drugs		NFA- Closed
20.26	X		3/18/2020	3/28/2020	Joe Gonzales	SANE Cynthia Garza; B	Testimony; Forensic Biology		Dismissed
20.27	X		3/20/2020		Charles Lee	Austin PD	Forensic Biology/DNA	staff dismissal per mtg 4/17/20	Dismissed by staff
20.28	X		3/23/2020		John Therrell	DPS Houston	Blood Alcohol		Dismissed
20.29	X		4/14/2020		Royce Tawater	MO State Hwy Patrol	Forensic Biology/DNA		Dismissed
20.30	X		4/10/2020		Michael Soto	DPS Austin	Blood Alcohol		Dismissed by staff
20.31	X		4/17/2020		Timothy Bowie	DPS Austin	Latent Prints/Blood??		Dismissed by staff
20.32	X		4/17/2020		Mark Palmer	DPS Austin	Forensic Biology (DNA)		Dismissed by staff
20.33	X		5/1/2020	5/18/2020	Rickey C. Starr	SWIFS	Trace Evidence		Dismissed by staff
20.34	X		5/4/2020	5/18/2020	Anthony Hill	Max Courtney	Crime Scene		Dismissed by staff
REC'D SINCE JUNE COMMISSION MTG									
20.35		X	6/2/2020	6/16/2020	HFSC		Crime Scene		NFA- Closed
20.36	X		6/16/2020	6/16/2020	Steve Cooper	US Drug Testing Labs (I	Nail Testing		Dismissed by staff
20.37		X	6/16/2020	6/16/2020	NMS- Horsham		Toxicology		NFA- Closed
20.38	X		5/28/2020		Toddrick Eugene Matthews	None	None		Dismissed by staff
20.39	X		5/29/2020		Carry Tucker	UNTHSC	Forensic Biology/DNA		Dismissed by staff
20.40		X			DPS Austin		Materials (Trace)		Accepted
20.41		X			DPS Crime Lab Service System		Seized Drugs		NFA- Closed
20.42		X			DPS Crime Lab Service System		Seized Drugs/Quantitative Analysis		NFA- Closed
20.43		X			DPS Tyler		Toxicology		NFA- Closed
REC'D SINCE JULY COMMISSION MTG									
20.44		X	7/9/2020	7/9/2020	NMS (DNA Section)		Forensic Biology/DNA		Tabled
20.45	X		8/25/2020	8/25/2020	Chaz Rodgers	IFL	Firearms/Tool Marks		Dismissed by staff

20.46	X		8/4/2020	Bobby Dean Coker	Bode	Forensic Biology/DNA		Closed
20.47	X		8/5/2020	8/5/2020 Trisa Crutcher	Ft. Worth PD	Multiple		Accepted
20.48		X	8/4/2020	8/14/2020 DPS Austin		Seized Drugs (Cornelisen)		Accepted
20.49		X	9/4/2020	9/4/2020 Tarrant Co. ME		Toxicology- mislabeled tubes		NFA- Closed
20.50		X		8/27/2020 Tarrant Co. ME		Toxicology		NFA- Closed
20.51	X			Jeffery Lee Manns	Orchid Cellmark	Forensic Biology/DNA		Dismissed by staff
20.52	X			Linda Villa Leyva for Francisco Ramos	FBI	Hair Examination		Dismissed by staff
20.53	X		9/21/2020	Debra Stephens	Quality Forensic Toxicology			Putting off til Jan per complainant's request
20.54		X		SWIFS				NFA- Closed
				REC'D SINCE OCT COMMISSION MTG				
20.55	X		10/7/2020	10/7/2020 Carrie Rudd, Philadelphia DA's Office	ExperTox	Toxicology (drugs in hair samples)	to Lykissa 11/12/20	Open
20.56		X	10/14/2020	10/14/2020 DPS Amarillo		Seized Drugs		Open
20.57		X	10/14/2020	10/14/2020 DPS Austin		Firearms/Tool Marks		Open
20.58		X	10/20/2020	10/20/2020 Bexar Co CIL	Forensic Biology/DNA	Serology; Forensic Biology/DNA		Open
20.59		X	10/22/2020	10/22/2020 DPS El Paso		Forensic Biology/DNA		Open
20.60	X		11/6/2020	11/6/2020 Gerard Cantu (Laredo Attorney)	Armstrong Forensics	Seized Drugs; Toxicology	to Wouters 11/12/20	Open
20.61		X	9/15/2020	9/15/2020 Tarrant Co. ME		Forensic Biology/DNA- Freezer		Open
20.62	X		11/12/2020	Ricky J. Flores	Round Rock PD	Forensic Biology/DNA		Open
20.63	X		10/29/2020	Tristan Farmer	Austin PD, DPS Austin?	Latent Prints		Open
20.64	X		10/30/2020	Raymond E. Lumsden	UNTHSC	Forensic Biology/DNA	to Boswell, Larose 11/30/20	Open
20.65		X	10/7/2020	10/9/2020 DPS Austin		Forensic Biology/DNA		Open