



TEXAS FORENSIC
SCIENCE COMMISSION

Justice Through Science

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

April 8, 2020

Via Email to inezcrowley@gmail.com

Mrs. Inez Crowley
6910 Sunset Valley
San Antonio, TX 78242

Re: TFSC Complaint No. 20.01- Crowley, Inez (DPS Houston, Montgomery Co. SO;
Forensic Biology, Firearms/Toolmarks, Latent Prints)

Dear Mrs. Crowley:

On January 31, 2020, the Forensic Science Commission (“Commission”) voted to dismiss the above-referenced complaint. Absent additional information and based on our review of case material provided by the Texas Department of Public Safety crime laboratory, there is no indication of professional negligence or misconduct in the forensic analysis performed by Texas DPS. For your information, the term “forensic analysis” is defined under the Texas Code of Criminal Procedure as an expert examination or test performed on physical evidence for the purpose of connecting the evidence to a criminal action.

With respect to the probabilistic genotyping STRmix results for the blue belt strap (*i.e.*, that the evidentiary profile was 3.26 quadrillion times more likely if the DNA came from James Crowley, Jr. and two unknown individuals than if the DNA came from three unrelated unknown individuals), the mere fact that the mixture was analyzed using STRmix software is not an indication of professional negligence or misconduct by the laboratory. The referenced Michigan court decision applied to particular fact circumstances in the criminal case before the Michigan court, and is not applicable to Texas criminal courts in general or the particular facts presented here. Moreover, admissibility of scientific evidence in any criminal case is within the sole purview of the court with jurisdiction over the matter, and not this Commission.

With respect to identified contamination by a responding officer who collected the holster swabs, the quality incident provided by the Texas Department of Public Safety indicates likely contamination by the officer was identified using GeneMapper software and addressed appropriately pursuant to the laboratory’s standard operating procedures. It also appears Texas DPS notified the appropriate parties regarding the quality incident. Questions regarding whether a defense attorney was given timely access to the information in the possession of the State in any given criminal action is also a matter for the court and not this Commission. Finally, generalized allegations regarding actions taken by law enforcement agencies like the Montgomery County Sheriff’s office in the investigation of crime are beyond the scope of the Commission’s jurisdiction. Similarly, generalized requests that this Commission review the firearms analysis or latent print

analysis in a case are insufficient absent substantive factual information to indicate possible professional negligence or misconduct.

Finally, we are unable to provide copies of the DNA reports or related casefile information to you because Texas law prohibits the provision of DNA information pursuant to Section 552.101 Texas Government Code (1993) and Section 411.153 Texas Government Code (2007). *See, City of Ft. Worth v. Abbott*, 258 S.W.3d 320, 328 (Tex. App. – Austin 2008, no pet). *See also*, Texas Attorney General Open Record Letter Ruling OR2016-21035. Notwithstanding this restriction, Mr. Crowley’s appellate attorneys should be able to access this information through appropriate legal channels.

Thank you.

Sincerely,
Kathryn Adams
Kathryn Adams
Commission Coordinator

/mka