



TEXAS FORENSIC  
SCIENCE COMMISSION

*Justice Through Science*

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

August 31, 2020

***Via email to [pstout@houstonforensicscience.org](mailto:pstout@houstonforensicscience.org)***

Dr. Peter Stout  
President & CEO  
Houston Forensic Science Center  
500 Jefferson St., 13<sup>th</sup> Fl.  
Houston, TX 77002

Re: TFSC Laboratory Self-Disclosure No. 20.35; Houston Forensic Science Center (Crime Scene)

Dear Dr. Stout,

At its July 24, 2020 meeting, the Commission voted to take no further action on the referenced self-disclosure based on the materials provided including the root cause analysis and various corrective actions taken by the laboratory. However, we would like to draw your attention to two specific areas of concern regarding the facts underlying the disclosure.

First, testifying beyond one's expertise, as the CSI did in this case, would constitute a violation of the Texas Code of Professional Responsibility for Forensic Analysts and Crime Laboratory Management had the CSI been licensed.<sup>1</sup> Second, while crime scene analysis and reconstruction activities are currently exempt from accreditation and licensing requirements, the sub-discipline of footwear impression falls within the Materials (Trace) discipline which is subject to both the accreditation and licensing requirements. Thus, the expert testimony identified by the laboratory in this case could be considered as: (1) beyond the scope of the laboratory's ANAB accreditation certificate, and (2) performed without a license as required by the Texas Code of Criminal Procedure. Ultimately, the Commission decided to take no further action regarding the disclosure given the CSI is no longer employed at HFSC, is believed to no longer work in forensics, and because he did not testify regarding footwear impressions in any other case. Further, the laboratory discovered the issue as a result of a proactive and commendable transcript review program. As part of HFSC's efforts in this area, laboratory management should emphasize to all staff the importance of understanding and respecting the limits of accreditation parameters as well as Texas state law governing accreditation and licensure.

If the laboratory identifies any material changes to the information provided regarding this self-disclosure, please notify commission staff as soon as possible. Feel free to contact the Commission's office with any questions you may have.

Sincerely,

A handwritten signature in blue ink that reads "L. Garcia".

Lynn Garcia  
General Counsel

LRG/mka

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<sup>1</sup> [37 Tex. Admin. Code § 651.219\(b\)\(1\) and \(b\)\(9\)](#).