



TEXAS FORENSIC  
SCIENCE COMMISSION

*Justice Through Science*

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

October 18, 2022

***Via First Class Mail***

Mr. Otis Johnson  
TDCJ No. 01400226  
Robertson Unit  
12071 FM 3522  
Abilene, TX 79601

Re: Texas Forensic Science Commission ("TFSC") Complaint No. 22.37; Johnson, Otis  
(Southwestern Institute of Forensic Sciences ("SWIFS"); Firearms/Toolmarks)

Dear Mr. Johnson:

At its October 7, 2022, quarterly meeting the TFSC voted to dismiss the referenced complaint because: 1) the allegation that the analyst failed to properly consider subclass characteristics in the comparison of two fired bullet jackets was unsupported by the record; 2) the allegation that the analyst was biased by a previous examination was speculative and unsupported by the record; and 3) the allegation that the analyst expressed her opinion in terms that were not scientifically supported has been addressed by the laboratory.

On September 23, 2022, SWIFS sent a letter to the Conviction Integrity Unit of the Dallas County District Attorney's Office explaining that, although the analyst's testimony was consistent with accepted standards for firearm examiners at the time of the 2006 trial in your case, these standards have changed and evolved over time. Currently, SWIFS firearm examiners do not testify to the high degree of certainty expressed by the analyst in your trial. A copy of the letter is attached for your convenience.

Please contact us with any questions or concerns. Thank you.

Sincerely,  
*Robert Smith*  
Robert Smith  
Senior Staff Attorney

RS/mka

cc: Conviction Integrity Unit, Dallas County District Attorney's Office  
Attention: ADA Cynthia Garza



**DALLAS COUNTY  
SOUTHWESTERN INSTITUTE OF FORENSIC  
SCIENCES**

PHYSICAL EVIDENCE SECTION

2355 North Stemmons Freeway  
Dallas, Texas 75235

September 23, 2022

ADA Cynthia Garza  
Conviction Integrity Unit  
Dallas County District Attorney's Office  
133 North Riverfront Boulevard, LB19  
Dallas, Texas 75207

Dear ADA Garza,

As you are aware from our previous communications, the Texas Forensic Science Commission recently forwarded to SWIFS a complaint received from a convicted individual, Otis Donte Johnson. In 2006, Mr. Johnson was tried and convicted in Dallas County for a 2005 homicide (F0553077-Y).

The substance of the complaint concerned the firearm analysis performed by SWIFS, which was undertaken at the request of the Dallas Police Department and the Dallas County District Attorney's Office. In brief, the complaint alleges that the analysis performed by firearm examiner Heather Thomas may have been affected by cognitive bias. Additionally, the complaint alleges that in her testimony to the court, Heather Thomas portrayed her conclusions with a high degree of certainty that was scientifically unsound.

As part of SWIFS internal processes, I have reviewed the complaint, the associated firearms reports, and transcripts of Heather Thomas's testimony. That testimony consisted of an evidentiary hearing and a trial before the jury. I have documented my assessment of the complaint (see attached), and my assessment has been reviewed and accepted by the quality management committee here at SWIFS.

In brief, it is my assessment that the firearm analysis performed in 2005 and 2006 was appropriately performed. It is also my assessment that Heather Thomas's testimony in 2006 was fully consistent with generally accepted professional standards for firearm examiners at that time. Consequently, it is my assessment that Heather Thomas was not professionally negligent in her examinations or in her testimony. Additionally, she did not commit misconduct in her examinations or in her testimony.

I would note that professional standards for firearm testimony have changed since 2006, and firearm examiners at SWIFS currently do not testify to the high degree of certainty expressed in Ms. Thomas's 2006 testimony.

I am attaching a copy of the complaint and my review for your records. The review document provides additional details regarding the basis for my assessment.

If you need any of the supporting documentation referenced in the review document, these can be provided. In the event that I can be of any further assistance, please let me know.

Regards,

Timothy J. Sliter, PhD, Section Chief  
Southwestern Institute of Forensic Sciences  
2355 North Stemmons Freeway  
Dallas, Texas 75208

Att. 1. Complaint – Otis Johnson  
2. SWIFS internal response memo