



TEXAS FORENSIC
SCIENCE COMMISSION

Justice Through Science

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

September 27, 2022

Via Email to mark@thetexasrialattorney.com

Mr. Mark Thiessen
733 E. 12 ½ Street
Houston, TX 77008

Re: Texas Forensic Science Commission (“TFSC”) Complaint No. 22.30: Thiessen, Mark (Texas Department of Public Safety- Houston; Blood Alcohol)

Dear Mr. Thiessen:

At TFSC’s quarterly meeting on July 22, 2022, the Commission voted to dismiss the referenced complaint because review of case material indicated no evidence of professional negligence or misconduct on the part of the laboratory or analyst related to the subject forensic analyses.

Laboratory records indicate the initial failed samples were properly identified and re-run pursuant to laboratory policy. Results reported reflected data from the second run of these samples as required by the laboratory’s standard operating procedures. Dr. Sarah Kerrigan reviewed the relevant data for indicators that DPS may have failed to consider the possibility of a sample switch. Based on the information provided by DPS and Dr. Kerrigan’s review, the Commission concluded the laboratory addressed the failed samples appropriately.

The TFSC made DPS aware that, for at least one of the cases analyzed a second time after an initial failed sample, no discovery was requested by stakeholders and the information regarding the initial failure was not apparent. DPS is developing methods for alerting stakeholders in blood alcohol cases to the existence of a failed run even in the absence of a discovery request.

You may contact me via email at robert.smith@fsc.texas.gov with any questions. Thank you.

Sincerely,
Robert Smith
Robert Smith
Senior Staff Attorney