

**Texas Forensic Science Commission
Minutes from August 13, 2015 Complaint Screening Committee Meeting in Austin, Texas**

The Texas Forensic Science Commission's Complaint Screening Committee met at 4:00 p.m. on Thursday, August 13, 2015, at the Omni Austin Southpark, 4140 Governor's Row, Austin, Texas 78744.

Members of the Commission were present as follows:

Members Present: Eisenberg, Barnard, Alpert
Members Absent: None
Other Members Present: Di Maio, Kessler
Staff Present: Lynn Garcia, FSC General Counsel
Leigh Tomlin, Commission Coordinator

Discuss factual information, allegations, and potential recommendations for complaints and laboratory self-disclosures received or left pending by the Commission since April 10, 2015.

1. #1106.15.03 Pearsall Police Department (Destruction of Evidence)

James Taylor (recently resigned from Pearsall Police Department) filed this complaint expressing concerns regarding evidence storage, handling and preservation by the City of Pearsall, Texas.

MOTION AND VOTE: *Alpert moved to recommend the full FSC dismiss the complaint, because the complaint falls outside the Commission's jurisdiction, because it concerns local evidence storage issues. Barnard seconded the motion. The CSC unanimously adopted the motion.*

*Members also discussed recommending FSC counsel contact an appropriate agency regarding the issues in the complaint.

2. #1113.14.28 James Legate (Bexar County Crime Lab, GSR)

Inmate James Legate filed this complaint. The complaint alleges a trace evidence analyst in the Bexar County crime laboratory used misleading language in expressing his conclusion regarding gunshot residue analysis.

MOTION AND VOTE: *Barnard moved to recommend the full FSC dismiss the complaint, because the examiner appropriately reached the conclusion per SWGGUN guidelines and therefore no allegation of negligence or misconduct was stated. Alpert seconded the motion. The CSC unanimously adopted the motion.*

3. #1122.14.31 DPS – Stephanie Beckendam (DPS, Toxicology)

Inmate Stephanie Beckendam filed this complaint, alleging a DPS forensic scientist falsified information in a report involving the presence of benzoylecognine (a cocaine metabolite) in the complainant's blood.

MOTION AND VOTE: *Alpert moved to recommend the full FSC dismiss the complaint, because the literature supports degradation of benzoylecognine under the conditions stated in the complaint, and therefore one would expect a discrepancy between DPS testing and NMS testing. Barnard seconded the motion. The CSC unanimously adopted the motion.*

4. #1123.15.06 Grant, Deandra (IFL, Blood Alcohol)

Defense Attorney Deandra Grant filed this complaint, alleging IFL blood alcohol analyst Nate Stevens failed to follow IFL's standard operating procedures when retesting blood samples and re-issuing corresponding reports. The complaint was tabled until the full FSC meeting the following day.

5. #1121.11.15 Adams, Curtis (Bexar Co. Crime Lab, DNA)

Inmate Curtis Adams filed this complaint, alleging various inadequacies and misconduct by investigators and forensic analysts in his sexual assault case.

MOTION AND VOTE: *Alpert moved to recommend the full FSC dismiss the complaint, because there is no allegation of negligence or misconduct related to any forensic analysis, and to send a referral letter the complainant directing him to the various innocence clinics. Barnard seconded the motion. The CSC unanimously adopted the motion.*

6. #1124.15.07 Chaney (Bite Mark Comparison)

The National Innocence Project filed this complaint, requesting the Commission investigate the integrity and reliability of the bite mark comparison sub-discipline of forensic odontology.

MOTION AND VOTE: *Alpert moved to recommend the full FSC form an investigative panel to look into the scientific reliability of bite mark evidence. Eisenberg seconded the motion. The CSC unanimously adopted the motion.*

*Barnard recused himself from any discussion and deliberation on this complaint.

Hear public comments.

There were no public comments.

Adjourn.