

**Texas Forensic Science Commission  
Minutes from November 16, 2015 Bite Mark Comparison Review Panel Meeting in  
Fort Worth, Texas**

The Texas Forensic Science Commission's Bite Mark Comparison Review Panel met at 9:30 a.m. on Monday, November 16, 2015 at the Tarrant County District Attorney's Office, 4<sup>th</sup> Floor Media Conference Room, Tim Curry Criminal Justice Center, 401 West Belknap, Fort Worth, Texas 76196.

Members of the Panel were present as follows:

Panel Members Present: Kessler, Di Maio, Mozayani, and Alpert

Panel Members Absent: None

Staff Present: Lynn Garcia, General Counsel  
Nick Vilbas, Staff Attorney

*This is a complaint filed by the national Innocence Project on behalf of Steven Mark Chaney, a Dallas County man convicted of murder, based in part on bite mark comparison evidence, requesting the Commission investigate and report on "the integrity and reliability" of bite mark evidence.*

**Update on developments and status of Steven Mark Chaney case in Dallas**

Panel members received update on developments in the Steven Chaney case in Dallas where Mr. Chaney had his conviction set aside pending further litigation and was released from custody on October 12, 2015. Mr. Chaney was in attendance, introduced and welcomed by panel members.

**Review and discuss materials received since September, 16, 2015 Bitemark Panel Meeting.**

Panel members and staff discussed the various materials submitted to the Commission for consideration since the last meeting held on September 16, 2015. Panel members discussed and agreed to address the documents as per the agenda order.

**Presentation by Dr. David Senn regarding appropriate use, role, and limitations of bitemark evidence and discussion of criticism by the complainant and others, including comments on Decision Tree study by Drs. Pretty and Freeman and research performed by Mr. Peter and Dr. Mary Bush and others.**

Dr. David Senn gave a presentation regarding the appropriate use, role and limitations of bite mark evidence. Dr. Senn specifically addressed the agreements and criticisms of the original complaint as requested by Panel and provided comments on both the Decision

Tree study by Drs. Pretty and Freeman and the research performed by Mr. Peter and Dr. Mary Bush.

**Presentation by Dr. Frank Wright regarding the appropriate use, role, and limitations of bitemark evidence and perspective on research and next steps.**

Dr. Frank Wright gave a presentation regarding the appropriate use, role and limitations of bitemark evidence and perspective on research and next steps.

**Presentation by Drs. Iain Pretty & Adam Freeman re: Construct Validity of Bitemark Assessments using the American Board of Forensic Odontology (“ABFO”) Decision Tree originally presented at American Academy of Forensic Sciences Annual Scientific Meeting February 2015, including discussion of lessons learned, scientific implications, action items resulting from study, opinions regarding next steps in research, scientific reporting and moratorium recommendation.**

Drs. Pretty and Freeman gave a presentation regarding their Construct Validity of Bite Mark Assessments using the ABFO Decision Tree that was originally presented at the AAFS Annual Scientific Meeting in February 2015. The presentation included a discussion of lessons learned and the scientific implications of the results. The presenters further commented on the various action items from the study including their opinions on the next steps needed in research. Panel members, staff and stakeholders asked questions of the presenters and engaged in discussion over research and next steps.

**Presentation by Mr. Peter Bush regarding the current context of research in bitemark analysis, including discussion of implications and limitations of published research.**

Mr. Peter Bush gave a presentation to the Panel regarding the research he and Dr. Mary Bush have conducted with their team at the State University of New York at Buffalo, including a discussion of the implications and limitations of published research.

**Discuss statutory requirement to assess integrity and reliability of forensic analysis, best practices and recommendations.**

Panel members discussed statutory requirement to assess integrity and reliability of forensic analysis, best practices and recommendations concerning bite mark comparisons. Panel members agreed that due to volume of information provided to Committee for review, Panel needs further time to thoroughly review information prior to making any recommendations. Committee would also like to share information with full Commission, obtain their input, and discuss a report at the next Commission meeting.

**Discuss retroactive case identification and review process, including possible case review criteria.**

Panel members and Commission staff discussed retroactive case identification and review process. Panel discussed list of 33 cases developed through stakeholder input and legal research. Panel discussed obtaining further case information directly from ABFO Diplomates along with obtaining ABFO historical data from the National Museum of Health and Medicine archives.

**Discuss establishment of subcommittee to review panel for advisory purposes.**

Panel members discussed establishing a subcommittee to review panel for advisory purposes and to assist in case review. Due to limited number of cases and importance of review, panel agreed to defer the establishment of a subcommittee pending further Commission input at next full Commission meeting.

**Discuss action items/recommendations for quarterly Commission meeting.**

Panel members discussed action items and recommendations for quarterly Commission meeting, including following up with the National Museum of Health and Medicine for further case identification information.

**Assign staff follow-up tasks and action items.**

Staff assigned follow-up tasks of obtaining further case information from the National Museum of Health and Medicine as well as from individual ABFO Diplomates and gathering materials presented at meeting for Panel review.

**Schedule next Bite Mark Comparison Review Panel meeting.**

Panel members and staff discussed scheduling the next Bite Mark Comparison Review Panel meeting on February 11, 2016, at 1pm in Austin, Texas. This is the afternoon directly preceding the February 12, 2016, full Commission meeting.

**Public Comment**

The following members of the public provided public comment during the session:

Jan Thompson

Chris Fabricant, Innocence Project Inc.

Julie Lesser, Dallas County Public Defender's Office

Dawn Boswell, Tarrant County District Attorney's Office

Patricia Cummings, Dallas County District Attorney's Office

**Adjourn.**