

Texas Forensic Science Commission
Minutes from April 14th, 2011 Complaint Screening Committee Meeting in Austin, Texas

The Texas Forensic Science Commission's Complaint Screening Committee met at 8:00 a.m. on Thursday, April 14th, 2011, in the Central Services Building, 1711 San Jacinto, Room 200A in Austin, TX. Members of the Commission were present as follows:

Members Present: Bradley, Eisenberg, Peerwani

Members Absent: None

Staff Present: Lynn Robitaille, FSC General Counsel,
Leigh Tomlin, Commission Coordinator

Develop recommendations for new and pending complaints

CACY (Complaint #10-27, GC/MS Test)

MOTION AND VOTE: *Eisenberg moved to recommend staff and commission members conduct a thorough review of any documentation received from the lab and ME's office. Bradley seconded the motion. The panel unanimously agreed to recommend the motion to the full FSC.*

The complaint screening committee will develop additional recommendations for the complaint at their next meeting prior to the next quarterly meeting, July 15, 2011.

SWIFS SAO (Complaint #10-24, Broad-based allegations)

MOTION AND VOTE: *Bradley moved to recommend dismissal of the complaint because it contains no specific case or specific test to evaluate. Eisenberg seconded the motion. The panel unanimously agreed to recommend the motion to the full FSC.*

WHITLOCK (Complaint #11-01, Gun-shot residue, firearms)

MOTION AND VOTE: *Eisenberg moved to recommend tabling the complaint and instructing staff to obtain transcript, pull up appellate opinion and contact SWIFS. Bradley seconded the motion. The panel unanimously agreed to recommend the motion to the full FSC.*

HELM (Complaint #11-02, Trace evidence (gun-shot residue and firearms))

MOTION AND VOTE: *Bradley moved to dismiss the complaint due to lack of jurisdiction. Peerwani seconded the motion. The panel unanimously agreed to recommend the motion to the full FSC.*

WEEKS (Complaint #11-03, DNA analysis)

MOTION AND VOTE: *Bradley moved to dismiss the complaint due to lack of jurisdiction. Eisenberg seconded the motion. The panel unanimously agreed to recommend the motion to the full FSC.*

GIBSON (Complaint #11-04, arson)

MOTION AND VOTE: *Bradley moved to table the complaint pending the Attorney General's opinion, but to also direct counsel to conduct basic legal research on the status of any pending or completed litigation for the case. Eisenberg seconded the motion. The panel unanimously agreed to recommend the motion to the full FSC.*

MOLE (Complaint #11-05, request for information)

MOTION AND VOTE: *Bradley moved to dismiss the complaint, as it does not name any specific allegation, but merely requests information from the FSC. Eisenberg seconded the motion. The panel unanimously agreed to recommend the motion to the full FSC.*

COCKERHAM (Complaint #11-06, Dog-sniff lineup)

MOTION AND VOTE: *Bradley moved to dismiss the complaint due to pending litigation. Eisenberg seconded the motion. The panel unanimously agreed to recommend the motion to the full FSC.*

PERWANI (Complaint #09-15)

Complaint Screening Committee members discussed potentially revisiting the complaint, but ultimately decided not to revisit the complaint, as the issues are largely subjective and could be outside the jurisdiction of the FSC.

CARAWAY (Complaint #11-07)

MOTION AND VOTE: *Bradley moved to table the complaint until the next FSC meeting to give members and staff time to conduct a thorough review of the material. Eisenberg seconded the motion. The panel unanimously agreed to recommend the motion to the full FSC.*

Peerwani recused himself from discussion of this complaint.