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October 27, 2015  
Texas Forensic Science Commission  
1700 North Congress Avenue, Suite 445  
Austin, Texas 78701

Dear Commissioners:

In response to the discussion concerning retroactive case identification at the September 16, 2015, meeting of the Bite Mark Comparison Review Panel, the Innocence Project has aggregated a list of the Texas cases it is aware of in which bite mark analysis was used. (*see* Appendix: List of Known Texas Bite Mark Cases). Although this list is not exhaustive, we hope that it can supplement the work currently underway by the Forensic Science Commission to identify cases through legal database searches.

In addition to the attached list of known cases, the Commission may also consider examining the American Board of Forensic Odontology's (ABFO) archives housed at the National Museum of Health and Medicine (NMHM) in Silver Spring, Maryland, to identify other Texas cases featuring the use of bite mark comparison evidence.<sup>1</sup> According to the description of the archives posted on the NMHM website, the ABFO collection includes the following materials:

#### SERIES 004: CASE FILES AND PERSONAL MATERIAL

The ABFO created a large reference library of case files and court transcripts, principally through donations by ABFO diplomates and cases submitted as part of the examination process. The cases and transcripts document methodologies used by different odontologists, as well as the changes and professionalization of the field. Several doctors, including Thomas Krauss and Paul Stimson, donated their substantial personal collections of case files and other materials to the ABFO as well. ***Case files can include notes, police reports, legal correspondence, newspaper clippings, slides, photographs, medical reports, and court transcripts, though the actual material in each file varies***

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<sup>1</sup> This collection is available in the Otis Historical Archives. See <http://www.medicalmuseum.mil/index.cfm?p=collections.archives.collections.index> (last accessed Oct. 27, 2015).

*significantly*. Case files are arranged alphabetically by donor or the forensic odontologist consulting on the case. Unattributed and undated material is arranged at the beginning of the series.<sup>2</sup>

The archive includes records from 1970 through 2009, the majority of which are from 1978 through 1998.<sup>3</sup> The Innocence Project respectfully requests that the Commission seek access to these archives and stands ready to assist in any investigation of the inventories of donated materials as a further means of retroactive case identification.

Very Truly Yours,



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<sup>2</sup> Available at:

<http://www.medicalmuseum.mil/assets/documents/collections/archives/2014/OHA%2090.75%20American%20Board%20of%20Forensic%20Odontology%20Records.pdf> (emphasis supplied). It should be noted that Dr. Stimson is a Houston, Texas based forensic odontologist and past president of the ABFO. See <http://smile.uthscsa.edu/coursepages/sennforensicdentistry.php?t=su> (last accessed Oct. 27, 2015).

<sup>3</sup> *Id.*

## Appendix: List of Known Texas Bite Mark Cases

The following individuals were convicted of crimes in the state of Texas in cases where a forensic dentist made an association between a dentition and alleged bite mark. Where available, citations to the appellate records are listed.

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**Jesseca Carson**, sentenced to life imprisonment without the possibility of parole following a capital murder conviction. More information is available at [422 S.W. 3d 733](#).

**Steven Mark Chaney**, convicted of murder in 1987 and sentenced to life imprisonment and a \$5,000 fine. Mr. Chaney's conviction was vacated by the trial court in October 2015. More information is available at [775 S.W.2d 722](#) and in the Innocence Project's complaint to the Texas Forensic Science Commission from July 2015.

**Kosoul Chanthakoumanne**, convicted of capital murder and sentenced to death. More information is available at [2009 WL 4831450](#).

**David Coronado**, given a life sentence and a \$10,000 fine for injury to a child with a deadly weapon. More information is available at [384 S.W.3d 919](#).

**Lazaro Alarcon Del Torro**, sentenced to life imprisonment and a \$10,000 fine for aggravated sexual assault. More information is available at [2001 WL 487996](#).

**Christopher Ty Furtado**, convicted of aggravated sexual assault of a child, injury to a child, and indecency with a child by sexual contact, and sentenced to imprisonment for a total of fifty-five years. More information is available at [2001 WL 959437](#).

**Humberto Leal**, sentenced to death for capital murder and executed in 2011. More information available at [2004 WL 2603736](#).

**Melissa Lucio**, convicted of capital murder and sentenced to death. More information is available at [351 S.W.3d 878](#).

**Mario Marquez**, convicted of capital murder and executed in 1995. More information is available at [725 S.W. 2d 217](#).

**Blaine Keith Milam**, convicted of capital murder and sentenced to death. More information is available at [2012 WL 1868458](#).

**Kenneth Patterson**, convicted of capital murder. More information is available at [509 S.W. 2d 857](#).

**Jack Wayne Smith**, convicted of attack by dog resulting in death and sentenced to seven years' confinement and a \$5,000 fine. More information is available at [369 S.W.3d 865](#).

**David Wayne Spence**, convicted of capital murder and executed in 1997. More information is available at [795 S.W.2d 743](#).

**Edward Villa**, convicted of murder and sentenced to 99 years and a \$10,000 fine. More information is available at [2008 WL 372321](#).

**Calvin Washington**, convicted of capital murder in 1987 and sentenced to life imprisonment; exonerated by post-conviction DNA testing in 2001. More information is available at [856 S.W. 2d 184](#).

**Crystal Michelle Watson**, convicted of attack by dog resulting in death and sentenced to seven years' confinement and a \$5,000 fine. More information is available at [369 S.W.3d 865](#).

**Joe Sidney Williams**, convicted of capital murder in 1987 and sentenced to life in prison; exonerated in 1993. More information is available online via the National Registry of Exonerations, <http://www.law.umich.edu/special/exoneration/pages/casedetail.aspx?caseid=3748> (last accessed Oct. 27, 2015).