

Draft – Minutes
Microscopic Hair Comparison Case Review Subcommittee of the
Forensic Science Board
Wednesday, December 13, 2023
VIRTUAL MEETING via Microsoft Teams

Subcommittee Members Present

The Honorable Megan L. Clark, Prince Edward Commonwealth's Attorney - *Subcommittee Chair*
Lieutenant Colonel Timothy Lyon (Designee of Colonel Gary T. Settle, Superintendent, Virginia State Police)
Michael HuYoung, Esquire

Staff Members Present

Amy C. Jenkins, Department Counsel
Deea Chakraborty, Legal Assistant

Call to Order by Subcommittee

The Honorable Megan L. Clark, Chair, called the meeting of the Microscopic Hair Comparison Case Review Subcommittee ("Subcommittee") to order at 11:00 A.M.

Adoption of Agenda

There was no adoption of meeting agenda.

Adoption of Draft Minutes of the July 9, 2023, Meeting

The Chair asked if there were any changes or corrections to the draft minutes from the July 9, 2023, meeting. Being none, Mr. HuYoung made a motion to adopt the minutes, which was seconded by Lt. Col. Lyons. The Subcommittee adopted the minutes by unanimous vote.

Review Team Recommendations

Amy Jenkins, Department Counsel, presented for the Subcommittee's consideration the recommendations of the Review Team from its September 26, 2023, meeting. Ms. Clark called for a motion to move the Subcommittee into a closed session pursuant to Virginia Code §2.2-3711(A)(35), because the Subcommittee would be discussing specific information from criminal investigative files as part of the Review Team's results. Ms. Clark moved the Subcommittee to a closed session, which was seconded by Lt. Col. Lyon and approved by unanimous vote of the Subcommittee.

The Subcommittee met in closed session. Department Counsel, Amy Jenkins, and Legal Assistant, Deea Chakraborty, remained in the closed session to assist the Subcommittee members with its consideration of the Review Team's recommendations.

The Subcommittee concluded the closed session and reconvened in an open meeting.

47 A roll call vote was taken of each Subcommittee member to certify that, to the best of each
48 member's knowledge, only exempt information was discussed, and only matters identified in the
49 motion were heard, considered, and discussed. The Chair, Ms. Clark, Mr. HuYoung, and Lt. Col.
50 Lyon each certified that only exempt information was discussed, and only matters identified in the
51 motion were heard, considered, and discussed.

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53 The Subcommittee directed DFS staff to move forward with preparing notification letters for the
54 two cases agreed upon during the closed session.

55
56 Ms. Jenkins updated the Subcommittee on the continuing research for conviction orders and
57 transcripts for the project. She relayed the statistics on the current number of letters we have sent
58 out, and the number of responses back with conviction orders and transcripts. She mentioned that
59 she planned to present these statistics to the Board at the January 2024 Board meeting.

60 61 **Public Comment**

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63 There were no members of the public in attendance.

64 65 **Confirm Future Meeting Date**

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67 Amy Jenkins proposed to the Subcommittee that the next meeting will be planned for April 10,
68 2024, to be held in person following the Forensic Science Board Meeting.

69 70 **Adjournment**

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72 Ms. Clark called for a motion to adjourn the Subcommittee meeting. Mr. HuYoung made a motion
73 that the meeting of the Subcommittee be adjourned, which was seconded by Lt. Col. Lyon, and
74 passed by unanimous vote.

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76 The meeting adjourned at 11:17 a.m.