

1 **Final - Minutes**
2 **Microscopic Hair Comparison Case Review Subcommittee of the**
3 **Forensic Science Board**
4 **July 18, 2016**
5 **Department of Forensic Science, Central Laboratory, Classroom 1**
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7 **Subcommittee Members Present**
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9 Vince S. Donoghue, Essex Commonwealth's Attorney (Designee of Senator Mark D. Obenshain,
10 Chair of the Senate Courts of Justice Committee) - Subcommittee Chair

11 David A. C. Long, Esq.

12 Lieutenant Colonel Robert B. Northern, Deputy Superintendent, Virginia State Police,
13 (Designee of Colonel W. Steven Flaherty, Superintendent, Virginia State Police)
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15 **Legal Counsel for the Forensic Science Board**

16 Michelle Welch, Esq., Assistant Attorney General
17

18 **Staff Members Present**
19

20 David A. Barron, Ph.D., Deputy Director

21 Amy M. Curtis, Department Counsel

22 Katya N. Herndon, Chief Deputy Director

23 Bradford C. Jenkins, Forensic Biology Program Manager

24 Alka B. Lohmann, Director of Technical Services

25 Robert W. Scanlon, Principal Forensic Scientist

26 Carisa M. Studer, Legal Assistant
27

28 **Invited Guests Present**
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30 Holly Berry, Virginia State Crime Commission

31 Matthew Dullaghan, Senior Assistant Attorney General

32 Maria Jankowski, Virginia Indigent Defense Commission
33

34 **Call to Order by Subcommittee Chair Vince Donoghue**
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36 Mr. Donoghue called the meeting of the Microscopic Hair Comparison Case Review
37 Subcommittee ("Subcommittee") to order at 1:30 p.m. He welcomed the Subcommittee
38 members, the invited guests and Department of Forensic Science ("DFS or the Department")
39 Staff.
40

41 **Adoption of Agenda**
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43 The Chair asked if there were any additions or changes to the draft agenda for the meeting.
44 Being none, Mr. Long made a motion to adopt the agenda, which was seconded by Lt. Colonel
45 Northern and adopted by unanimous vote of the Subcommittee.
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47 **Approval of Draft Minutes of the June 16, 2016 Meeting**

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49 The Chair asked if there were any changes or corrections to the draft minutes from the June 16,
50 2016 meeting. Being none, Mr. Long made a motion to adopt the minutes, which was seconded
51 by Lt. Col. Northern and approved by unanimous vote of the Subcommittee.

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53 **Discussion**

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55 Amy Curtis, Department Counsel, announced that the National Association of Criminal Defense
56 Lawyers (NACDL) will be hosting a free live webinar on July 20, 2016 titled Under the
57 Microscope: Strategies for Implementing State & Local Microscopic Hair Comparison Reviews.
58 Ms. Curtis will provide the registration information to the subcommittee members.

59
60 Ms. Curtis presented the draft guidelines for transcript review of microscopic hair comparison
61 case testimony to the Subcommittee. The guidelines document outlines three questions the
62 review team should consider when reviewing transcripts. Included in the guidelines were all the
63 examples the Subcommittee flagged during the review of the twelve transcripts at the June 16,
64 2016 Subcommittee meeting. The Subcommittee reviewed and discussed the examples for each
65 of the three questions in the guidelines document.

66
67 Katya Herndon, Chief Deputy Director, informed the Subcommittee that Holly Berry from the
68 Virginia State Crime Commission (VSCC) would not be available to conduct the initial
69 screening of cases due to her obligations at the VSCC. The Subcommittee discussed other
70 options as resources for initial case screenings. Suggestions included law students and the
71 innocence projects from the University of Richmond, William and Mary, and the University of
72 Virginia.

73
74 Next, the Subcommittee discussed the composition of the review team. The review team will be
75 composed of two attorneys and 1 DFS forensic scientist. The Subcommittee suggested that
76 multiple review teams may be needed and strategies for finding volunteers. They also discussed
77 sending letters to the Commonwealth's Attorneys and Public Defenders requesting volunteers to
78 be on a review team.

79
80 Maria Jankowski, Virginia Indigent Defense Commission (IDC), commented to the
81 Subcommittee that she would have attorneys interested in serving on the review team. She
82 requested the Subcommittee provide an estimate on the time commitment and advance notice for
83 scheduling.

84
85 The Subcommittee discussed that the review team should meet one day per month with the first
86 meeting being scheduled for the end of October.

87
88 **Public Comment**

89 There was no additional public comment.

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91 **Adjournment**

93 Mr. Long moved that the meeting of the Subcommittee be adjourned, which was seconded by Lt.
94 Col. Northern and passed by unanimous vote.
95
96 The meeting adjourned at 2:10 p.m.