



**SHAREN WILSON**  
Criminal District Attorney  
Tarrant County

FILED  
TARRANT COUNTY

2016 JUL -6 PM 1:51

THOMAS A. WILDER  
DISTRICT CLERK

July 8, 2016

Hon. Lee B. Kovarsky  
500 W. Baltimore St., Room 436  
Baltimore, MD 21201-1786

Re: Crutsinger, Billy Jack; Cause Number 0885306D; 213th Judicial Court  
Notification of Texas Forensic Science Commission DNA Mixture Review

The Texas Forensic Science Commission has recently reviewed DNA mixture interpretation protocols relating to a common statistical method used by Texas laboratories for the interpretation of DNA test results known as Combined Probability of Inclusion/Exclusion (CPI/CPE). More information concerning this issue may be found on the Texas Forensic Science Commission's website.

While it is uncertain at this time, a preliminary laboratory review indicates that the above referenced Tarrant County case *may potentially* be impacted by this change in protocol. This case is also implicated by the FBI's recent amendment of its population database (PopStats).

As the listed attorney(s) of record, we are notifying you that the laboratory has informed us it cannot currently issue an amended report regarding the mixture interpretations in this case. They can do a recalculation of the affected random match probability statistics using the updated FBI population database. We are currently investigating the potential options available to address the mixture issue using current mixture interpretation protocols. We will contact you once we have determined those available options.

Should you have any questions please contact ACDA Debra Windsor, Chief of Post-Conviction.

Sincerely,

Sharen Wilson  
Criminal District Attorney

## Post-Conviction Case DNA Report Lab Review Form

**Defendant:** Crutsinger, Billy Jack

**Cause No.:** 0885306D

**Lab #(s):** 0303339 / 0303340\*any other reports regarding this defendant/cause\*

**Date of Lab Report:** September 8, 2003

**Laboratory Name:** TCME

**Analyst Name:** Carolyn Van Winkle (forms prepared by Constance Patton)

**Requesting Attorney:** Dawn Boswell

Is an amended report(s) needed in order to address the current mixture interpretation issue set forth by the Texas Forensic Commission in its *Notification of Texas Forensic Science Commission DNA Mixture Review*?

☒ Yes ☐ No

Is an amended report(s) needed in light of the FBI database amendment notification?

☒ Yes ☐ No

Which chemistry/kit was used by the lab in this analysis?

Profiler Plus / COfiler

Are you able to issue an amended report? If not, please explain.

POPSTATS recalculation for RMP's - Yes

Mixture re-interpretation for POPSTATS - No, DNA analysts at TCME are no longer proficiency tested using Profiler Plus / COfiler amplification kits. Per DNA Quality Assurance Standards are not currently qualified to re-interpret PP/CO mixture data.

Which report(s) requires an amendment? List all applicable reports by laboratory identifier(s) and add any additional notes or explanation regarding the above questions (if needed):

July 23, 2003 / Sept 3, 2003 - POPSTATS recalculation for RMP's

Sept 3, 2003 report addresses re-submission / reanalysis of second buccal swab submission for Crutsinger (52)

Which item(s) on specific reports are affected? Please list:

July 23, 2003 / Sept 3, 2003 - RMP's - 19.1T1, 0303340-19.1T1,

July 23, 2003 / Sept 3, 2003 -CPE- 27T4, 30T1 items would require re-testing / interpretation with current STR amp kit (Identifiler)

Please use the following key in summarizing your review of all items listed in the report(s) on the attached page(s):

***Data Type:***

<b>Sero</b>	Serology Testing Only
<b>NR</b>	No DNA Result
<b>INC</b>	Inconclusive DNA Result
<b>SS</b>	Single source DNA result
<b>MIX</b>	Mixed DNA result
<b>FP</b>	Forensic Paternity Test
<b>Y-STR</b>	Y Chromosome STR Result
<b>mtDNA</b>	Mitochondrial DNA Result

***Comparison Type:***

<b>NCP</b>	No Comparison Performed
<b>I</b>	Inclusion (cannot be excluded as a contributor of the DNA result)
<b>E</b>	Exclusion (excluded as a contributor of the DNA result)
<b>INC</b>	Inconclusive comparison
<b>PI</b>	Paternity Inclusion (alleged father cannot be excluded as the biological father of the child in question)
<b>PE</b>	Paternity Exclusion (alleged father is excluded as the biological father of the child in question)

***Statistic Type:***

<b>RMP</b>	Random Match Probability
<b>CPI</b>	Combined Probability of Inclusion
<b>CPE</b>	Combined Probability of Exclusion
<b>LR</b>	Likelihood Ratio
<b>PG</b>	Probabilistic Genotyping
<b>NSP</b>	No Statistic Provided (non-probative inclusion)
<b>CM</b>	Counting Method

**Defendant:** Crutsinger, Billy Jack (chart page 1 of 2)

**Cause No.:** 0885306D

**Lab #(s):** 0303339 / 0303340

\*Please list fractions on two separate lines using the same evidence number and description but noting that the item is either an epithelial or sperm fraction in the description.

<u>Evidence Description*</u>	<u>Associated to Name/Item #</u>	<u>Evidence #</u>	<u>Data Type</u>	<u>Comparison Type</u>	<u>Stat Type</u>
Shorts - Patricia Syren	Billy Crutsinger (21 & 52)	19.1T1	SS	I	RMP
Jeans - Pearl Magouirk	Billy Crutsinger (21 & 52)	0303340-19.1T1	SS	I	RMP
Drawer stain	Billy Crutsinger (21 & 52)	22.7	SS	I	NSP
Garage stain	Billy Crutsinger (21 & 52)	22.8	SS	I	NSP
Dishwasher stain	Billy Crutsinger (21 & 52)	24.1	SS	I	NSP
Steering wheel stain	Billy Crutsinger (21 & 52)	25.8	SS	I	NSP
Seat belt stain	Billy Crutsinger (21 & 52)	25.19	SS	I	NSP
Shirt stains	Billy Crutsinger (21 & 52)	27T1, T2, T3	SS	I	NSP
Jeans stains	Billy Crutsinger (21 & 52)	30T3, T4, T6	SS	I	NSP
Tile stain	Billy Crutsinger (21 & 52)	33	SS	I	NSP
Top - Pearl Magouirk	Patricia Syren (20)	0303340-19.3T1	SS	I	NSP
Shorts - Patricia Syren	Patricia Syren (20)	19.1T2	SS	I	NSP
Knife blade	Patricia Syren (20)	32	SS	I	NSP
Denim shirt pocket stain	Syren (20) & Magouirk (0303340-16)	27T4	MIX	I	CPE
Denim shirt collar	Billy Crutsinger (21) & (52)	27T5 - major	MIX	I	NSP
Denim shirt collar	Patricia Syren (20)	27T5 - minor	MIX	I	NSP
Jeans pocket stain	Syren (20), Magouirk (0303340-16), Crutsinger	30T1	MIX	I	CPE
Jeans pocket stain	Crutsinger (21 & 52), Syren (20)	30T2	MIX	I	NSP

Reviewed by: Christine Patton

Approved by: Susanne Hobel

Date: 2/19/16

**Defendant:** Crutsinger, Billy Jack (chart page 2 of 2)

**Cause No.:** 0885306D

**Lab #(s):** 0303339 / 0303340

\*Please list fractions on two separate lines using the same evidence number and description but noting that the item is either an epithelial or sperm fraction in the description.

<u>Evidence Description*</u>	<u>Associated to Name/Item #</u>	<u>Evidence #</u>	<u>Data Type</u>	<u>Comparison Type</u>	<u>Stat Type</u>
T-shirt - Patricia Syren	Billy Crutsinger (21 & 52)	19.2T1	SS	I	NSP
Wipes - stains	N/A	22.1-22.6, 22.9, 24.2	Sero		
Swabs - stains	N/A	25.6, 25.7, 25.9, 25.10	Sero		
T-shirt	N/A	28	Sero		
Watch	N/A	51	Sero		
Sx Asslt Death Kit items - Patricia Syren	N/A	18.3-18.9	Sero		
Sx Asslt Death Kit items - Pearl Magouirk	N/A	1303340-18.1-18.7	Sero		
Wipes	N/A	23.1-23.4	Sero		

Reviewed by: Christine Patton

Approved by: [Signature]

Date: 2/19/14