A MESSAGE FROM THE DIRECTOR

It’s been “busy” ness as usual here at the West Virginia State Police Forensic Laboratory (WVSPFL). We recently brought several new employees on-line to help meet the demand for our services. Currently, we have 48 scientists, technicians and evidence custodian staff to provide forensic services to the entire state of West Virginia (up from 41 just two years ago)!

We recognize the important role we play in the criminal justice system and always work toward continuous improvement. We strive to increase throughput, decrease turnaround times and maintain quality operations. The graphs below demonstrate our commitment to improvement and the success we have had thus far. Our goal is to have a negligible backlog in all sections of the laboratory and an average turnaround time for each section of less than 60 days. We aren’t there yet, but each day we move closer.

Kind Regards,
Sheri Lemons

Links:
WEST VIRGINIA STATE POLICE FORENSIC LABORATORY FIELD MANUAL
FORENSIC LABORATORY EVIDENCE SUBMISSION FORM
CURRENT JOB POSTINGS
EMPLOYEE SPOTLIGHT: Austi Roush

Hometown: Point Pleasant, WV

Education: Bachelor of Science in Forensic Chemistry from Marshall University

Work Experience: I’ve been employed by the WVSP Forensic Laboratory since October 2014.

Role at WVSP Forensic Laboratory: I work as a forensic scientist in the Toxicology Section of the laboratory. I analyze biological matrices for the presence of alcohol and drugs in evidence that is submitted to the laboratory. I also analyze illegal liquor samples for the presence of alcohol. I issue reports and then testify to the results in court if necessary.

Favorite Part of the Job: My favorite part would have to be the friends I have made since I started working here. From sharing laughs over lunch to uplifting hugs or words when I’ve needed them most, I feel like many of my co-workers have become my extended family. Every day can be both a challenge and very rewarding, but having a great group of experienced, supportive coworkers, makes every day great.

Blood Alcohol Toxicology Facts

- Turnaround is **30-45 days** from receipt at laboratory.
- Testing will only be performed on Gray or Lavender top tubes.
- WV State Police Forensic Laboratory reports **DO NOT** require any type of calculation to be performed on the reported result.
- Hospital alcohol testing is generally performed on serum and a conversion must be performed on the results. Toxicology scientists are happy to explain this calculation to you or perform the calculation for you. A detailed example can be found in the WV State Police Forensic Laboratory Field Manual which can be found at [https://www.wvsp.gov/about/Documents/CrimeLab/ WVSP_Lab_Manual.pdf](https://www.wvsp.gov/about/Documents/CrimeLab/ WVSP_Lab_Manual.pdf).
The New Toxicology Employees

**Chris Jenkins:** Chris is a native West Virginian who grew up in Huntington. He earned a Bachelor of Science in Chemistry with a minor in Biology from Marshall University in May 2016. During this time, Chris taught chemistry laboratory classes as a teaching assistant and was also a member of the Marshall University Marching Thunder Drumline. In May 2018, he earned a Master of Science Degree in Forensic Science from Marshall University. He began employment with the West Virginia State Police Forensic Laboratory in May 2018 and currently holds the position of Forensic Scientist 1 in the Toxicology Section. He currently resides in Huntington and is an avid fan of the Cincinnati Reds and the Marshall University football and basketball teams. Chris’ favorite sport is baseball. He was a pitcher and first baseman for the 2006 and 2007 West Virginia State Baseball Championship Team. He also enjoys traveling, with Las Vegas and Orlando being two of his favorite destinations. Chris looks forward to continuing his training and beginning casework.

**Courtney Tackett:** Courtney is a native West Virginian who grew up in Danville. She moved to Huntington in August 2014 to attend Marshall University. While at Marshall, Courtney obtained a Bachelor of Science in Biotechnology. She graduated in December 2017 and was hired as Evidence Technician I in the Toxicology Section in July 2018. Between the time of graduation and hiring, Courtney took some time to travel. Her favorite place to be is Treasure Island, Florida. She also enjoys traveling to Pittsburgh to watch Pirates baseball and Nashville to visit some of country music's most iconic landmarks. She looks forward to getting to know her co-workers better and making a positive impact at the West Virginia State Police Forensic Lab.
Do’s and Don’ts of Blood Collection

Results from blood samples add to the totality of evidence in impaired driving cases. Here are some helpful tips to ensure a proper sample is collected.

- Timing is important. When alcohol use is suspected, samples should be obtained within two hours of the arrest. When a controlled substance is suspected, blood should be obtained within four hours of the arrest. Remember, having a blood sample is better than having no blood sample. If the two or four hour time limit is approaching, continue the process to obtain a blood sample.
  - Substances that are “huffed” dissipate quickly from the blood and the sample should be collected as soon as possible. Examples of these substances include keyboard cleaner, whipped cream cans and spray paint. Please photograph the item believed to be “huffed,” if located.
  - Drivers with suspected marihuana use should have their blood specimen collected as soon as possible as the active compounds cannot be detected in the blood stream for prolonged periods post-ingestion.

- Collect samples in the correct blood tubes. CDDP Blood Collection Kits are stocked at hospitals throughout the state. Be sure to use the kits if they are available. If blood collection kits are not available, use gray top tubes from the hospital supply for the blood draw. This color of tube contains the desired preservative/anti-coagulant for toxicological testing. Lavender tubes can be substituted if gray top tubes are not available.

- Both tubes should be filled to a minimum of half full. Filled tubes are preferred. Always instruct the medical professional conducting the blood draw to fill the tube to the top as this might not be their normal routine when drawing blood for hospital testing.

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CONT: Do’s and Don’ts

- Properly seal evidence prior to submission to the laboratory. A blood tube should have the seal positioned so that it covers the stopper and sticks to both sides of the blood tube. Ensure box seals are initialed with letters touching both the tape and box.

- Case Submission Forms (WVSP Form 53) need to be complete and accurate. Fill out all information requested on the form. A fillable version of the Case Submission Form can be found at [https://www.wvsp.gov/about/Pages/CrimeLab.aspx](https://www.wvsp.gov/about/Pages/CrimeLab.aspx).

- Testing requests MUST be listed on the Case Submission Form for appropriate testing of samples. Toxicology testing requests include:
  - Alcohol Testing
  - Volatile Testing/Inhalant Testing
  - List for suspected “huffing” cases
  - Drug Testing
  - Alcohol and Drug Testing
  - Alcohol Content Testing
    - Suspected Illegal Liquor Samples

DO NOT REQUEST ALCOHOL TESTING IF YOU HAVE A 0.00 READING ON A PBT OR INTOXIMETER.

- Lab submission forms should be placed in an envelope and attached to the outside of blood collection kit box. Do not place the submission form inside of the box. Also, do not place the blood collection kit in additional packaging.

- Never hesitate to call us with a question. We will be more than happy to walk you through the process and answer any questions you may have.

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<td>Request alcohol testing if you have a 0.00 reading on a PBT or Intoximeter</td>
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<td>Fill both tubes at least half full</td>
<td>Place the lab submission form inside the blood collection kit</td>
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<td>Indicate what type of testing you would like completed on the lab submission form</td>
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<td>Place the lab submission form inside an envelope and attach it to the outside of the blood collection kit</td>
<td>Submit evidence with INCOMPLETE Case Submission Forms</td>
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<td>Guess on how to collect or submit evidence</td>
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Timely DUI-D Toxicology

The biggest hurdle the Toxicology Section has had to overcome is having enough staff and equipment to keep up with the ever increasing submission of impaired driving evidence to the laboratory. There have been many personnel dedicated to improving the services the section is able to provide to our customers.

In October of 2017, the Toxicology Section began using two new liquid chromatography with tandem mass spectrometry (LC/MS/MS) instruments for DUI-D casework. (Special thanks go out to the Governor’s Highway Safety Program, the Commission on Drunk Driving Prevention and the WV Department of Transportation for their help in securing funds for the purchase of this equipment.) With the implementation of the new equipment, the testing capabilities of the section were expanded from 29 to more than 90 compounds/metabolites. Additionally, the section is able to report a quantitative measurement of the amount of each compound/metabolite that is confirmed in a blood specimen.

As of July 2018, the Toxicology Section is fully staffed. Erin Feazell and Austi Roush are Forensic Scientists who can perform both Alcohol and Drug testing. Chris Jenkins was hired as a Forensic Scientist in May 2018 and is anticipated to complete his Blood Alcohol training by the end of October. Chris will begin performing casework for alcohol cases upon successful completion of training. He will then begin training to analyze DUI-D cases which is slated for completion by the summer of 2019. Courtney Tackett was hired as a Forensic Evidence Technician in July 2018 thanks to funding from the WV Attorney General’s Office. Courtney will assist the section with a multitude of tasks that will allow the Forensic Scientists to spend more time in the laboratory analyzing cases.

In September 2018, the management of the WV State Police Forensic Laboratory outsourced over 400 cases to assist in backlog reduction. This outsourcing project will allow a turnaround time of 3-4 months for DUI-D cases received at the laboratory after September 1, 2018!!!

As reports are issued utilizing the new procedures, we anticipate that there will be many questions. Please feel free to contact the laboratory at any time and someone will be happy to assist you. Please remember, the Toxicology Section does not accept expedited requests and works cases in the order they are received, so please submit evidence in a timely manner.
Blood Evidence: A Piece of the DUI Puzzle

Nicole A. Cofer
WV Traffic Safety Resource Prosecutor

We, as prosecutors, tend to turn and run as fast as we can away from the charge of driving under the influence of controlled substances or drugs, particularly so if there is no blood or the blood has yet to be analyzed. It is no secret that the West Virginia State Police Toxicology Laboratory has been battling a backlog for several years. The lab has been working diligently to resolve this issue and has been making some significant ground. But what do those of us with cases teeing up right now do with this? How can we help the situation? Believe it or not, there are ways that prosecutors can assist with the process both for the lab and for our cases. First, and possibly the easiest way that we can assist the lab in reducing this backlog, is to make sure dismissals and other adjudications are reported to the lab. Letting the lab know when cases have been finally adjudicated allows them to remove those cases from the queue which thereby assists in reducing the backlog. Too many times, the lab is not alerted to final dispositions and will still work the blood when it comes up in their queue. Communication is as much a key with the lab as it is with the courts. Take some time to educate your magistrates and circuit court judges to the issues affecting the lab, including, but not limited to, establishing a timeline for the case to be set that works with the lab’s queue.

You may be thinking, that’s simple enough, but I want to do more. If so, another option is to look at your cases through a new lens. Prosecutors and magistrates across the Mountain State allow the blood evidence to drive their prosecution and ignore the remainder of the investigation. In reviewing the code, section 17C-5-4(c) provides that “[a] secondary chemical test of blood or breath is incidental to a lawful arrest and is to be administered at the direction of the arresting law enforcement officer having probable cause to believe the person has committed an offense prohibited by section two of this article or by an ordinance of a municipality of this state which has the same elements as an offense described in section two of this article.” The take away here is that there can be no blood or breath without first having a lawful arrest. Start looking at your impaired driving cases, especially your drug impaired driving cases, from the perspective that the blood is used solely to confirm what the investigating officer suspected. Remember that in impaired driving cases, the prosecutor needs to look at the totality of the circumstances and therefore it does justice no good if we are ignoring the evidence collected and observed by the law enforcement officer prior to making his or her arrest/release decision.

If this is the first time that you have been asked to consider an impaired driving case in this light, you may be wondering, what do you mean? It is important to remember that there are three phases to every impaired driving case – phase 1, vehicle in motion; phase 2, personal contact; and phase 3, pre-arrest screening – all of which occur prior to the officer asking the suspect for blood or breath. Most of these phases seem self-evident, but let’s walk through them briefly as each phase has two tasks. Phase 1, vehicle in motion, is what the officer observed that brought his or her attention to the vehicle and how the vehicle stopped. Phase 2, personal contact, is what did the officer see, smell and hear, what did the driver say and how the driver exited the vehicle.

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Phase 3, pre-arrest screening, is the battery of standard field sobriety tests (horizontal gaze nystagmus, vertical gaze nystagmus, walk-and-turn, and the one-leg stand) and the other field sobriety tests (modified Romberg balance test, lack of convergence, finger-to-nose and pupil size observations), and preliminary breath test to either confirm the presence, or lack thereof, of alcohol. These three phases walk the prosecutor through the officer’s investigation and lead us to the arrest/release decision. It is not until the officer has determined that he or she has probable cause to make the arrest, that he or she can now ask for a secondary chemical test of blood or breath.

If your mind is blown and you want to learn more, watch for upcoming trainings hosted by the West Virginia Traffic Safety Resource Prosecutor. If your mind may not be blown by this additional information, consider this before dismissing a case due to lack of blood. If for some reason, the lab has not been able to complete the blood analysis within the window to timely hear the case, then argue that the State is ready to proceed with or without the blood and offer to the defense attorney that he or she can waive their right to a speedy trial to wait for the blood results because the State has the evidence it needs to establish the commission of the offense. Might that argument end with the magistrate granting a defense motion to dismiss, possibly so; but consider this, when the person reoffends and causes a crash killing or maiming an innocent driver or pedestrian, the onus for that dismissal will be on the hands of the magistrate and not our prosecutors. Understanding the DUI detection process and how to utilize blood evidence is important, but remember, communication is key: communication with your officer, communication with the toxicology lab, and communication with the court.

The WV DRE Program

Joey Koher
West Virginia State DEC Coordinator

Since West Virginia joined the International Association of Chiefs of Police’s (IACP) Drug Evaluation Classification Program (DEC) in 2014, we have seen a different perspective in our impaired driving picture. In 2017, 37% of the total DUI arrests in WV were drug related which is up from 9% in 2014. After acceptance in to the DEC Program, WV Governor’s Highway Safety Program (WV GHSP) in cooperation with the WV State Police Department and Huntington Police Department took on the difficult task of training our law enforcement community. Utilizing IACP’s “Drugs that Impair”, “Advanced Roadside Impaired Driving Enforcement” (ARIDE), and the “Drug Recognition Expert” (DRE) in-service courses, WV GHSP began to assist officers in identifying drug impaired drivers while giving them a new-found confidence to make the arrest.

Nationally the DEC Program is more well known as the DRE Program. The WV DRE Program has grown to 50 DREs representing 26 different agencies throughout the State. The DRE class is a strenuous academic program with three (3) different phases, 2-Day Preschool, 7-Day DRE School, and Certification Phase.

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The program takes a total of three (3) weeks to complete. The officers are taught to understand complex concepts including human physiology, toxicology, and behavioral signs and symptoms of drug impairment.

Once certified as a DRE, the officer will be able to utilize the DRE 12-step process to investigate a suspected drug impaired driver. The evaluation will create a very complete and thorough investigation obtaining over 100 different pieces of evidence. This will obtain the most articulable evidence to assist the County Prosecutors in the trial. These evaluations are very important to all suspected drug impaired driving cases. However, they become especially necessary when exigent circumstances arise such as children in the vehicle, DUI 3rd offense, bodily injury, and crashes involving an impaired driver resulting in death.

DREs are not located in all 55 counties in WV. However, most jurisdictions have access to a DRE upon request with the exception of a few areas that are more rural. There is not a cost to the requesting agency if assistance is requested. Our goal is to incorporate more DREs around the State to make them readily available to all jurisdictions.

Please contact the WV DEC Program State Coordinator Joey Koher at (859)200-0229 or jkoher@hpdwv.com for more information and applications for the DRE Program.
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<td>Jones</td>
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<td>Mckinney</td>
<td>Eric</td>
<td><a href="mailto:ermwcis@gmail.com">ermwcis@gmail.com</a></td>
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Drug Section: Staff Update

Laura Lapczynski: In September 2017 I was hired by the Forensic Laboratory as a Forensic Scientist in the Drug Identification Section and for my first six months here I trained in the analysis of Pill and Powder samples. After passing a written exam, practical exams, and a mock trial I was approved to begin working cases in that area. I am currently in my second month of analyzing active cases with pill and powder samples.

I recently graduated from The University of New Haven in May of 2017 with a dual degree in Forensic Science and Chemistry. While attending school I was a Laboratory Assistant in the Chemistry Department. I helped students complete their assignments and prepared the chemical reagents to be used during the class. In the summer of 2016 I interned at the Massachusetts State Police Crime Laboratory in their Drug Identification Unit. There I worked primarily with marihuana infused food products to test the resourcefulness of a protocol that the lab wanted to add into routine analysis.

I am originally from New Jersey. During the summers there, I worked as a counselor at a recreation camp for children with special needs. On a typical summer weekend in New Jersey I would enjoy trips to the shore or friends. Some of my hobbies include painting, baking, swimming, and watching Netflix (I am currently watching “Dexter” and “Peaky Blinders” if you wanted any suggestions.)

Blake Kinder: I was hired by the Forensic Laboratory in June 2017 as a Forensic Scientist 1 in the Drug Identification Section. I completed my training in Pill and Powder analysis in January 2018.

I am originally from Charleston, WV where I lived until I attended West Virginia University in 2004. I graduated, in May 2008, with a Bachelor’s of Science in Forensic and Investigative Sciences with emphasis in Forensic Examinations and Forensic Biology. After graduate school, I was employed with the Virginia Beach Police Department where I served as a Crime Scene Investigator. I worked there for approximately 1 year, before I relocated to New Jersey. I lived in NJ for 6 years before relocating back to Charleston.

In my spare time, I like to spend time with my wife and kids. (Kelly, Liam, and Mackenzie). My hobbies include Golf, Basketball, Bowling, and Photography.
D’Nisha Hamblin: I began my career with the Forensic Laboratory in the Drug Identification Section as a trainee scientist in July 2017. I completed the first phase of the extensive Forensic Chemist Trainee program for Drug Analysis in February 2018 and was then approved to begin casework in the subdiscipline of pill and powder drug analysis. The second phase of my training in the subdiscipline of clandestine laboratory drug testing is in progress.

I earned my Bachelor of Science degree in Chemistry in 2014 from Michigan State University and my Master of Science degree in Forensic Science (Chemistry emphasis) in 2016 from Florida International University. I obtained two scientific publications from my graduate scientific research.

Prior to employment with the WVSPFL, I conducted forensic research as a contractor for the National Institute of Standards and Technology (NIST) in collaboration with the International Forensic Research Institute (IFRI) at Florida International University (FIU) utilizing a novel sampling technique for the collection, identification and detection of chemical signatures in the exhaled breath of drug users. I was able to present my research at the 69th Annual scientific meeting for American Academy of Forensic Sciences (AAFS), where I was awarded the Forensic Science Foundation’s Emerging Forensic Scientist Award (FSF EFSA) for my poster presentation explaining the reliability and validity of the innovative forensic sampling technique used in my research.

I am a Detroit, MI, native from a small family who has also lived in the states of Florida and Maryland before relocating to West Virginia. I enjoy 3D puzzles, scrapbooking, binge-watching popular television shows and traveling back home to Michigan to spend quality time with my family.

Courtney Miller: My name is Courtney Miller. I am from Richmond, Kentucky, which is where I also received my Bachelor of Science in Forensic Science from Eastern Kentucky University in 2016. I then attended Marshall University to obtain my Master of Science also in Forensic Science, with emphases in forensic chemistry, DNA, and crime scene investigation. In my free time, I frequently crochet, read, and paint. I began my career with the West Virginia State Police Forensic Laboratory Drug Identification Section in May 2018.
The West Virginia State Police Forensic Laboratory is providing training opportunities for law enforcement, attorneys, and judges! To help us do this we need volunteer agencies to host a one day training opportunity. If you are an interested party please contact Blake N. Reta. (contact information below)

- One day training opportunity for any law enforcement agencies, attorneys, and judges.
- Maximum of 30 attendees.
- Training will feature 1 to 2 sections of the forensic laboratory for lecture and hands on experience with evidence collection.
- The sections that will be providing training will be agreed upon by the forensic laboratory and the volunteer host.

**Note:** Law enforcement officers are eligible to obtain in-service hours for attending this training.

What we are asking of the host agency:

- Provide an area (local school, department complex, etc) for training to occur
- Provide material needed for the training

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**West Virginia State Police Forensic Laboratory**

Blake N. Reta  
Email: blake.n.reta@wvsp.gov  
Phone: 304-746-2171

**Sections of the West Virginia State Police Forensic Laboratory that can provide lecture / training include:**

- Biochemistry  
- Firearm/Toolmark  
- Toxicology  
- Drug Identification  
- Footwear/Tire Track  
- Trace Evidence  
- Evidence Processing  
- Latent Prints

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**The Crime Lab Road Show**

Blake N. Reta  
Email: blake.n.reta@wvsp.gov  
Phone: 304-746-2171

**Note:** The training provided will be free to the attendees!
Mission:
It is the mission of the West Virginia State Police Forensic Laboratory to provide accurate and impartial scientific support services to all criminal justice agencies operating in the State of West Virginia.

Goal:
The goal of the West Virginia State Police Forensic Laboratory is to generate accurate, impartial, and timely scientific examinations and opinions for the criminal justice system of the State in the interest of public safety. Establish and maintain a database of convicted felons, sex offenders, case work profiles, and missing persons.
LABORATORY STAFF:

Lab Director:
Sheri Lemons—sharon.e.lemons@wvsp.gov

Quality Assurance Manager:
Meredith Chambers—meredith.a.chambers@wvsp.gov

Secretaries:
Sharon Allen—sharon.c.allen@wvsp.gov
Tonya Molek—tonya.r.molek@wvsp.gov

Biochemistry:
Melissa Runyan—melissa.n.runyan@wvsp.gov
Angela Gill—angela.k.gill@wvsp.gov
Bailey Hill—bailey.e.hill@wvsp.gov
Joshua Haynes—joshua.t.haynes@wvsp.gov
Nicole Johnson—nicole.l.johnson@wvsp.gov
Hanna Foreman—hannah.e.foreman@wvsp.gov
Kellie Littlefield—kellie.m.littlefield@wvsp.gov
Nicholas King—nicholas.a.king@wvsp.gov
Brittany Antonucci—brittany.e.antonucci@wvsp.gov
Megan Lesser—megan.m.lesser@wvsp.gov
Brandi Bentley—brandi.n.bentley@wvsp.gov

Codis Administrator:
Brent Myers: howard.b.myers@wvsp.gov

Central Evidence Receiving:
Staci Taylor—staci.l.taylor@wvsp.gov
Ashley Woods—ashley.j.woods@wvsp.gov
Shelli Philpott—shelli.r.philpott@wvsp.gov
Melissa Clevinger—melissa.g.clevinger@wvsp.gov

Central Evidence Processing:
David Miller—david.w.miller@wvsp.gov
Jennifer Howard—jennifer.a.howard@wvsp.gov
Joel Harvey—joel.b.harvey@wvsp.gov
Aaron Dean—aaron.d.dean@wvsp.gov
Sydney Jenkins—sydney.e.jenkins@wvsp.gov

Drug Identification:
Carrie Kirkpatrick—carrie.j.ozalas@wvsp.gov
Jared Vititoe—jared.j.vititoe@wvsp.gov
Rebecca Harrison—rebecca.e.harrison@wvsp.gov
Tara Hayslip—tara.a.hayslip@wvsp.gov
Tiffany Neu—tiffany.a.neu@wvsp.gov
Blake Kinder—blake.a.kinder@wvsp.gov
D’Nisha Hamblin—dnisha.d.hamblin@wvsp.gov
Laura A Lapcynski — laura.a.lapczynski@wvsp.gov
Courtney Miller—courtney.n.miller@wvsp.gov
Danielle Taylor—danielle.r.taylor@wvsp.gov

Firearm/Toolmark Identification (Footwear/Tires):
Philip Cochran—philip.k.cochran@wvsp.gov
Calissa Carper—calissa.n.carper@wvsp.gov
Blake Reta—blake.n.reta@wvsp.gov
Ryan Christopher—ryan.d.christopher@wvsp.gov

Latent Prints:
Stephen King—stephen.c.king@wvsp.gov
Robyn Lewis—robyn.g.lewis@wvsp.gov
LeAnne Simms—allison.l.simms@wvsp.gov
Lara Rutherford—lara.k.rutherford@wvsp.gov

Toxicology:
Erin Spearen—erin.e.feazell@wvsp.gov
Austi Roush—austi.l.rous@wvsp.gov
Chris Jenkins—chris.d.jenkins@wvsp.gov
Courtney Tackett—courtney.l.tackett@wvsp.gov

Trace Evidence:
Korri Powers—koren.k.powers@wvsp.gov
Nicole Macewan—nicole.r.macewan@wvsp.gov
Farrah Machado—farrah.s.machado@wvsp.gov