

ATTACHMENT

On 1-28-19 Sgt. R. M Hogan of the West Virginia State Police hereafter referred to as the undersigned officer was contacted by Ohio County Board of Education Superintendent Dr. Kimberly Miller, reference a Sexual Abuse allegation complaint she received from Christopher Lee Birch, a former Ohio County Schools student and a 2009 graduate of Wheeling Park High School. Dr. Miller went onto advised the Mr. Birch stated he had a physical and sexual relationship while he was a minor and until adulthood, with Elizabeth Anne (Elson) Harbert his former teacher and track coach at Bridge Street Middle School and was also a teacher at Wheeling Park High School to which he attended.

On January 31, 2019, the undersigned officer obtained a digitally audio recorded statement from the Christopher Lee Birch, hereafter referred to as the victim, at the West Virginia State Police Wheeling Barracks. The victim stated that he did in fact have a sexual relationship with Elizabeth Anne (Elson) Harbert, Hereafter referred to as the suspect from the time he was fourteen (14) years of age until and after he was an adult. The victim's Date of Birth is 12/04/1990. The Suspect's Date of Birth is 01/07/1976. The undersigned officer has Certified Birth Certificates for both victim and accused that support these dates of birth. The victim stated he first met the suspect while he was a student and she was a teacher and track coach at Bridge Street Middle School located in Ohio County. The victim also stated the relationship with the suspect was not sexual at the beginning, and the first sexual encounter did not take place until he moved in with the Elson's.

The undersigned officer obtained the victim's school records from Ohio County Schools and the suspect's records and personnel file from Ohio County schools advising she was employed by this school system from 2004 until her resignation in 2018. The records also indicate the victim was a student at Bridge Street Middle School in 2005-2006 and then a graduate of Wheeling Park High School in 2009 in Ohio County.

The victim advised he lived at the time with his Grandmother, Susan Birch, at 84 Cedar View Drive in Wheeling, WV 26003. The victim advised the suspect initially asked him if he would like to go out to the mall after school and she would buy him some shoes, to which they did. The victim stated the suspect and her husband at the time, Craig Elson, asked Susan Birch if the victim could move in with them, to which Susan Birch allowed. The Elson's residence was located at 2214 Richland Avenue, Wheeling, WV 26003, to which is in Ohio County. The victim stated as he was entering the summer going into his freshman year, 2005, he experienced his first sexual encounter with the suspect, to which the victim would have been fourteen (14) years of age and the suspect thirty (30) years of age. The victim stated this occurred at the Elson's residence at 2214 Richland Avenue, while the husband, Craig Elson, was at work. The victim stated from the time he lived at the Elson's, he had sex with the suspect at least fifty (50) times in Ohio County at 2214 Richland Avenue Wheeling, WV 26003. He advised he lived there from when he was approximately fourteen (14) years of age until he was approximately (15) years of age. The victim also advised when he was fifteen years of age he was having sexual intercourse with the

suspect at 2214 Richland Avenue, Wheeling, WV 26003 and the condom they (Victim and Suspect) used broke. The victim went on to state the accused went to her doctor and the doctor discovered a piece of condom in her vagina. The undersigned officer obtained a search warrant for the suspect's medical records from Wheeling Hospital. The records indicate on 10/26/2006 Dr. Stoehr noted "piece of condom found in vagina." At the date of 10/26/2006 the victim would have been fifteen years of age and the accused who was employed as a teacher at Ohio County Schools would have been thirty years of age. The victim went onto state

he moved out of the Richland Avenue house and moved back in with his Grandmother at 84 Cedar View Drive Wheeling, WV 26003 located in Ohio County. The victim was fifteen years of age at that point. The victim stated they (Victim and Suspect) would have sexual intercourse at his Grandmother's house when she was gone, approximately fifty times (50).

The victim also stated that early on in their sexual relationship, he would wear a condom but as things progressed, she (suspect) started using birth control. The victim then stated on or around 2006, the suspect moved back into Ohio County and rented a house at 120 Hubbard Lane, Wheeling, WV 26003. The victim stated that he would ride to school with the suspect and come home with her but still lived with his Grandmother at 84 Cedar View Drive. The victim also advised at least one day out of each weekend, he would stay overnight with the suspect at 120 Hubbard Lane. The victim went on to state the suspect stopped taking birth control because she stated she could not afford it. The victim advised he and the suspect had sex at this location approximately twenty-five (25) times. It was at this location in 2007 while the victim was sixteen (16) years of age, his son, (BLH), was conceived with the suspect. The suspect would have been thirty-one (31) years of age. The victim stated the suspect advised him that she was pregnant and the child was his because she was not with anyone else. She was worried she would get in trouble if they told anyone she was pregnant with his child, because he was a minor and she also worried what the school would think. The victim stated the suspect would advise anyone who asked if she was pregnant and who the father was, she would say she wasn't sure. At some point the victim stated he felt nervous and scared once he found out the suspect was pregnant with his child, and at some point moved back with his Grandmother at 84 Cedar View, Wheeling, WV 26003. On July 7, 2008, the victim's son, (BLH), was born at Wheeling Hospital, Wheeling, WV 26003 in Ohio County. The victim stated the suspect wanted to give the child her last name and not have his name on the birth certificate because she would get in trouble. The undersigned (BLH's) Birth Certificate to which shows no father listed. The undersigned officer also obtained DNA samples from the victim, suspect and (BLH), through a search warrant from Marshall County. The undersigned officer obtained results from Marshall University Forensic Science Center advising: "Based on the results from the genetic systems listed in the allele chart and a comparison between Christopher Lee Birch, Elizabeth Anne Harbert, and (BLH), Christopher Lee Birch cannot be excluded as the biological father of (BLH) based on the presence of the obligate paternal allele at these systems." The report also states the relative probability of paternity is 99.9999%.

On 02/11/19 the undersigned officer advised he was conducting an investigation of sexual abuse and allegations were made against her. The undersigned officer asked her if she would be willing to come to the Wheeling Barracks and speak with him in reference to the allegations. The suspect kept repeating to the undersigned officer, "I feel it is just very bizarre and odd, that you (undersigned officer) would want to talk to me." The suspect ultimately advised she did not wish to come speak to the undersigned officer in reference to sexual abuse allegations.

The undersigned officer was advised by the victim he told his friend Ryan Moore, when they were juveniles he was having a sexual relationship with the suspect.

The undersigned officer obtained a digitally audio recorded statement from Kimber Anders, cousin of the victim, at the Wheeling Barracks of the West Virginia State Police. Ms. Anders advised she witnessed the victim and suspect together on several different occasions while he was a juvenile, and watched them hold hands, rub each other's legs, and act as a romantic couple. Ms. Anders went on to state the two would come over to her after (BLH) was born, hang out, and watch Steelers games and other functions.

Based on the totality of this this investigation, the undersigned officer has substantiated while the victim was under the age of sixteen, he engaged in sexual intercourse with the accused when the accused was acting as his custodian, guardian and/or a person in position of trust in Ohio County.

Sgt. M. Hogan
4-24-19

Patricia J. Murphy