

IN THE MAGISTRATE COURT OF MARSHALL COUNTY, WEST VIRGINIAState of West Virginia
v.Case No. 25-M25M-01091☒ Misdemeanor/ ☐ FelonyJane Ann Duffy

Defendant (full name)

Social Security Number _____ Date of Birth _____

Address _____

Driver's License / Identification Number _____

City, State & Zip Code _____

Phone Number(s) _____

CRIMINAL COMPLAINT

Mag. Ct. Criminal Procedure Rule 3.4; 18 U.S.C. § 921(a)(33)

I, the undersigned complainant, upon my oath or affirmation, state the following is true and correct to the best of my knowledge and belief. On or about 09 / 21 / 2025, in MARSHALL County, West Virginia, in violation of *West Virginia Code § (cite specific section, subsection, and/or subdivision, if applicable) §49-2-812. Failure to report* _____, the defendant did *(state statutory language of the offense)* _____.

See Attached SheetI further state that this complaint is based upon the following facts: ☒ Check if continued on attached sheet.See Attached Sheet*(If this complaint involves any of the following relationships to the defendant, check all that apply.)* The defendant:

- ☐ is/was married to the victim. ☐ is/was living in the same household with the victim.
☐ is/was a parent or guardian of the victim. ☐ is/was a person who is a sexual or an intimate partner of the victim.
☐ has a child in common with the victim. ☒ has none of the above connections to the victim.

*(If this complaint involves driving under the influence (DUI) and any other traffic violations indicate the following.)*Refused secondary chemical test ☐ yes ☐ noIs CDL holder ☐ yes ☐ no

Complainant (who appears before Magistrate):

First Sergeant S. M. Durrah

Complainant (full name)

1700 Lafayette Avenue

Address

Moundsville, WV 26041

City, State & Zip Code

304-843-4100

Phone Number(s)

Member of the West Virginia State Police

Office or Title, if any

12/02/2025

Date

F. H. Smith
Complainant Signature

On this complaint, sworn or affirmed before me and signed in my presence on this date by the complainant, the item(s) checked below apply:

Finding

- ☐ No probable cause found
☒ Probable cause found

Issuance

- ☐ Summons issued
☒ Warrant issued
☐ Warrantless arrest

12/3/25

Date

[Signature]
Magistrate Signature

IN THE MAGISTRATE COURT OF _____ MARSHALL _____ COUNTY, WEST VIRGINIA

CRIMINAL COMPLAINT (CONTINUATION PAGE)

State of West Virginia vs. Jane Ann Duffy

Statutory Language:

§49-2-812. Failure to Report.

(a) Any person, official or institution required by this article to report a case involving a child known or suspected to be abused or neglected, or required by section eight hundred nine of this article to forward a copy of a report of serious injury, who knowingly fails to do so or knowingly prevents another person acting reasonably from doing so, is guilty of a misdemeanor

Facts for Belief:

The undersigned officer, First Sergeant S. M. Durrah, began an investigation into a complaint of abuse of a child by a teacher on October 8, 2025. The investigation revealed that on Thursday, September 18, 2025, Kiersten Nicole Moses, a special needs teacher at McNinch Elementary School, grabbed a six (6) year old female student by the neck. Ms. Moses used both hands to squeeze the student, A. W., by the neck. A. W. is a nonverbal Autistic child. The incident was recorded on video and was reviewed by the undersigned officer. The incident occurred at McNinch Elementary School located near Moundsville in Marshall County, West Virginia.

Through investigation, it was learned that the incident was observed by an aid, who told the school principal, Jane Duffy. Mrs. Duffy advised that the student needed to be seen by the school nurse. Mrs. Duffy then reported the incident of abuse to the Marshall County Special Programs Director, Erin Cuffaro. Video of the incident was reviewed by Mrs. Duffy and later Mrs. Cuffaro. The video clearly shows Kiersten Moses grabbing A. W. by the neck for several seconds. This incident meets the requirement for a report to be made through the Child Abuse Hotline. Mrs. Duffy, being a school employee, is a mandated reporter. Furthermore, Jane Ann Duffy, being the principal of the McNinch Elementary School should have either made a report through the Child Abuse Hotline or directed the personnel she oversees, and who reported it to her, to do so.

Per West Virginia State Code 49-2-803, a mandated reporter "shall immediately, and not more than 24 hours after suspecting this abuse or neglect, report the circumstances to the Department of Human Services." To the best of the undersigned officer's knowledge, no report was made to the Department of Human Services by school personnel until October 5, 2025 and Mrs. Duffy viewed video footage of this incident no later than Friday September 19, 2025.

F/Agst Am Q1

12/02/2025

IN THE MAGISTRATE COURT OF MARSHALL COUNTY, WEST VIRGINIAState of West Virginia
v.Case No. 25-M25F-00236/25-M25M-01090
[] Misdemeanor/ [x] FelonyErin Michelle Cuffaro
Defendant (full name)

Social Security Number _____ Date of Birth _____

Address _____

Driver's License / Identification Number _____

City, State & Zip Code _____

Phone Number(s) _____

CRIMINAL COMPLAINT

Mag. Ct. Criminal Procedure Rule 3.4; 18 U.S.C. § 921(a)(33)

I, the undersigned complainant, upon my oath or affirmation, state the following is true and correct to the best of my knowledge and belief. On or about 09 / 19 / 2025, in MARSHALL County, West Virginia, in violation of *West Virginia Code § (cite specific section, subsection, and/or subdivision, if applicable)* §61-8D-4. Child neglect resulting in injury; child neglect creating risk of injury x8, the defendant did (state statutory language of the offense).

See Attached Sheet

I further state that this complaint is based upon the following facts: [x] Check if continued on attached sheet.

See Attached Sheet*(If this complaint involves any of the following relationships to the defendant, check all that apply.)* The defendant:

- ☐ is/was married to the victim. ☐ is/was living in the same household with the victim.
☐ is/was a parent or guardian of the victim. ☐ is/was a person who is a sexual or an intimate partner of the victim.
☐ has a child in common with the victim. [x] has none of the above connections to the victim.

*(If this complaint involves driving under the influence (DUI) and any other traffic violations indicate the following.)*Refused secondary chemical test ☐ yes ☐ noIs CDL holder ☐ yes ☐ no

Complainant (who appears before Magistrate):

First Sergeant S. M. Durrah

Complainant (full name)

1700 Lafayette Avenue

Address

Moundsville, WV 26041

City, State & Zip Code

304-843-4100

Phone Number(s)

Member of the West Virginia State Police

Office or Title, if any

12/02/2025

Date

Complainant Signature

On this complaint, sworn or affirmed before me and signed in my presence on this date by the complainant, the item(s) checked below apply:

Finding

- ☐ No probable cause found
[x] Probable cause found

Issuance

- ☐ Summons issued
[x] Warrant issued
☐ Warrantless arrest

12/3/25
Date

Magistrate Signature

IN THE MAGISTRATE COURT OF MARSHALL COUNTY, WEST VIRGINIAState of West Virginia
v.

Case No. _____

☒ Misdemeanor/ ☐ FelonyErin Michelle Cuffaro

Defendant (full name)

Social Security Number _____

Date of Birth _____

Address _____

Driver's License / Identification Number _____

City, State & Zip Code _____

Phone Number(s) _____

CRIMINAL COMPLAINT

Mag. Ct. Criminal Procedure Rule 3.4; 18 U.S.C. § 921(a)(33)

I, the undersigned complainant, upon my oath or affirmation, state the following is true and correct to the best of my knowledge and belief. On or about 09 / 19 / 2025, in MARSHALL County, West Virginia, in violation of *West Virginia Code § (cite specific section, subsection, and/or subdivision, if applicable) §61-5-17. Obstructing officer; fleeing from officer; making false statements to officer*, the defendant did *(state statutory language of the offense)*

See Attached SheetI further state that this complaint is based upon the following facts: ☒ Check if continued on attached sheet.See Attached Sheet*(If this complaint involves any of the following relationships to the defendant, check all that apply.)* The defendant:

- | | |
|---|--|
| <input type="checkbox"/> is/was married to the victim. | <input type="checkbox"/> is/was living in the same household with the victim. |
| <input type="checkbox"/> is/was a parent or guardian of the victim. | <input type="checkbox"/> is/was a person who is a sexual or an intimate partner of the victim. |
| <input type="checkbox"/> has a child in common with the victim. | <input checked="" type="checkbox"/> has none of the above connections to the victim. |

*(If this complaint involves driving under the influence (DUI) and any other traffic violations indicate the following.)*Refused secondary chemical test ☐ yes ☐ noIs CDL holder ☐ yes ☐ no

Complainant (who appears before Magistrate):

First Sergeant S. M. Durrah

Complainant (full name)

1700 Lafayette Avenue

Address

Moundsville, WV 26041

City, State & Zip Code

304-843-4100

Phone Number(s)

Member of the West Virginia State Police

Office or Title, if any

12/02/2025F. Max Smith
Complainant Signature

On this complaint, sworn or affirmed before me and signed in my presence on this date by the complainant, the item(s) checked below apply:

Finding

- ☐ No probable cause found
☒ Probable cause found

Issuance

- ☐ Summons issued
☒ Warrant issued
☐ Warrantless arrest

12/3/25[Signature]
Magistrate Signature

IN THE MAGISTRATE COURT OF MARSHALL COUNTY, WEST VIRGINIA**CRIMINAL COMPLAINT (CONTINUATION PAGE)***State of West Virginia vs. Erin Michelle Cuffaro**Statutory Language:**§61-8D-4. Child neglect resulting in injury; child neglect creating risk of injury**(c) If a parent, guardian, custodian, or person in a position of trust in relation to a child neglects a child and by that neglect creates a substantial risk of death or serious bodily injury, as serious bodily injury is defined in §61-8B-1 of this code, of the child then the parent, guardian, custodian, or person in a position of trust in relation to a child is guilty of a felony**Facts for Belief:**The undersigned officer, First Sergeant S. M. Durrah, began an investigation into a complaint of abuse of a child by a teacher on October 8, 2025. The investigation revealed that on Thursday, September 18, 2025, Kiersten Nicole Moses, a special needs teacher at McNinch Elementary School, grabbed a six (6) year old female student by the neck. Ms. Moses used both hands to squeeze the student, A. W., by the neck. A. W. is a nonverbal Autistic child. The incident was recorded on video and was reviewed by the undersigned officer. The incident occurred at McNinch Elementary School located near Moundsville in Marshall County, West Virginia.**Through investigation, it was learned that the incident was observed by an aid, who told the school principal, Jane Duffy. Mrs. Duffy advised that the student needed to be seen by the school nurse. Mrs. Duffy then reported the incident of abuse to the Marshall County Special Programs Director, Erin Cuffaro. Video of the incident was reviewed by Mrs. Duffy and later Mrs. Cuffaro. The video clearly shows Kiersten Moses grabbing A. W. by the neck for several seconds. This incident meets the requirement for a report to be made through the Child Abuse Hotline.**Per West Virginia State Code 49-2-803, a mandated reporter "shall immediately, and not more than 24 hours after suspecting this abuse or neglect, report the circumstances to the Department of Human Services." To the best of the undersigned officer's knowledge, no report was made to the Department of Human Services by school personnel until October 5, 2025.**The undersigned officer spoke with Jane Duffy about why she did not report this to the Hotline. She advised Erin Cuffaro sent a text message to her. The text message read, "My day is crazy. She did put her hands on [REDACTED] neck briefly. Please talk with her about this. Not a verbal reprimand at this point, but tell her to watch putting her hands on children when it is not necessary." The undersigned officer observed the text and later photographed same.**The undersigned officer later spoke to Erin Cuffaro on different occasions. She reported that she told Jane Duffy to give Kiersten Moses a verbal reprimand. The undersigned officer advised her that he saw a message to the contrary and Mrs. Cuffaro offered to show the undersigned officer that she did not send the message. It appeared the message mentioned above had been deleted along with everything prior and everything after that specific message was still on her phone. This is a violation of criminal code for false information to a member of the Department of Public Safety and obstructing an investigation. She later admitted to sending the message.**Mrs. Cuffaro, being the Marshall County Special Programs Director, failed to remove Kiersten Moses from the classroom, placing the eight (8) students within the classroom in danger of being injured by her. She also failed to report the abuse to the Department of Human Services, or direct Jane Duffy or another subordinate to do so, on A. W. on at least two (2) occasions.**F/Sgt. Star O*
12/02/2025

IN THE MAGISTRATE COURT OF MARSHALL COUNTY, WEST VIRGINIA

CRIMINAL COMPLAINT (CONTINUATION PAGE)

*State of West Virginia vs. Erin Michelle Cuffaro**Statutory Language:**§61-5-17. Obstructing officer; fleeing from officer; making false statements to officer**a) A person who by threats, menaces, acts, or otherwise forcibly or illegally hinders, or obstructs or attempts to hinder or obstruct a law-enforcement officer, probation officer, parole officer, courthouse security officer, correctional officer, the State Fire Marshal, or a full-time deputy or assistant fire marshal acting in his or her official capacity is guilty of a misdemeanor**Facts for Belief:**The undersigned officer, First Sergeant S. M. Durrah, began an investigation into a complaint of abuse of a child by a teacher on October 8, 2025. The investigation revealed that on Thursday, September 18, 2025, Kiersten Nicole Moses, a special needs teacher at McNinch Elementary School, grabbed a six (6) year old female student by the neck. Ms. Moses used both hands to squeeze the student, A. W., by the neck. A. W. is a nonverbal Autistic child. The incident was recorded on video and was reviewed by the undersigned officer. The incident occurred at McNinch Elementary School located near Moundsville in Marshall County, West Virginia.**Through investigation, it was learned that the incident was observed by an aid, who told the school principal, Jane Duffy. Mrs. Duffy advised that the student needed to be seen by the school nurse. Mrs. Duffy then reported the incident of abuse to the Marshall County Special Programs Director, Erin Cuffaro. Video of the incident was reviewed by Mrs. Duffy and later Mrs. Cuffaro. The video clearly shows Kiersten Moses grabbing A. W. by the neck for several seconds. This incident meets the requirement for a report to be made through the Child Abuse Hotline.**Per West Virginia State Code 49-2-803, a mandated reporter "shall immediately, and not more than 24 hours after suspecting this abuse or neglect, report the circumstances to the Department of Human Services." To the best of the undersigned officer's knowledge, no report was made to the Department of Human Services by school personnel until October 5, 2025.**The undersigned officer spoke with Jane Duffy about why she did not report this to the Hotline. She advised Erin Cuffaro sent a text message to her. The text message read, "My day is crazy. She did put her hands on [REDACTED] neck briefly. Please talk with her about this. Not a verbal reprimand at this point, but tell her to watch putting her hands on children when it is not necessary." The undersigned officer observed the text and later photographed same.**The undersigned officer later spoke to Erin Cuffaro on different occasions. She reported that she told Jane Duffy to give Kiersten Moses a verbal reprimand. The undersigned officer advised her that he saw a message to the contrary and Mrs. Cuffaro offered to show the undersigned officer that she did not send the message. It appeared the message mentioned above had been deleted along with everything prior and everything after that specific message was still on her phone. This is a violation of criminal code for false information to a member of the Department of Public Safety and obstructing an investigation. She later admitted to sending the message.**Mrs. Cuffaro, being the Marshall County Special Programs Director, failed to remove Kiersten Moses from the classroom, placing the eight (8) students within the classroom in danger of being injured by her. She also failed to report the abuse to the Department of Human Services, or direct Jane Duffy or another subordinate to do so, on A. W. on at least two (2) occasions.**P/Sgt. Durrah
12/02/2025*

IN THE MAGISTRATE COURT OF MARSHALL COUNTY, WEST VIRGINIAState of West Virginia
v.Case No. 25-M25F-00238☐ Misdemeanor/ ☒ FelonyKiersten Nicole Moses
Defendant (full name)Social Security Number [REDACTED] Date of Birth [REDACTED]Address [REDACTED]Driver's License / Identification Number [REDACTED]City, State & Zip Code [REDACTED]Phone Number(s) [REDACTED]

CRIMINAL COMPLAINT

Mag. Ct. Criminal Procedure Rule 3.4; 18 U.S.C. § 921(a)(33)

I, the undersigned complainant, upon my oath or affirmation, state the following is true and correct to the best of my knowledge and belief. On or about 09 / 18 / 2025, in MARSHALL County, West Virginia, in violation of *West Virginia Code § (cite specific section, subsection, and/or subdivision, if applicable) §61-2-9d. Strangulation; suffocation and asphyxiation* the defendant did *(state statutory language of the offense)*

See Attached SheetI further state that this complaint is based upon the following facts: ☒ Check if continued on attached sheet.See Attached Sheet

(If this complaint involves any of the following relationships to the defendant, check all that apply.) The defendant:

- | | |
|---|--|
| <input type="checkbox"/> is/was married to the victim. | <input type="checkbox"/> is/was living in the same household with the victim. |
| <input type="checkbox"/> is/was a parent or guardian of the victim. | <input type="checkbox"/> is/was a person who is a sexual or an intimate partner of the victim. |
| <input type="checkbox"/> has a child in common with the victim. | <input checked="" type="checkbox"/> has none of the above connections to the victim. |

(If this complaint involves driving under the influence (DUI) and any other traffic violations indicate the following.)

Refused secondary chemical test ☐ yes ☐ noIs CDL holder ☐ yes ☐ no

Complainant (who appears before Magistrate):

First Sergeant S. M. Durrah

Complainant (full name)

1700 Lafayette Avenue

Address

Moundsville, WV 26041

City, State & Zip Code

304-843-4100

Phone Number(s)

Member of the West Virginia State Police

Office or Title, if any

Date 12/02/2025Complainant Signature [Signature]

On this complaint, sworn or affirmed before me and signed in my presence on this date by the complainant, the item(s) checked below apply:

Finding

Issuance

- ☐ No probable cause found
☒ Probable cause found

- ☐ Summons issued
☒ Warrant issued
☐ Warrantless arrest

Date 12/18/25Magistrate Signature [Signature]

IN THE MAGISTRATE COURT OF MARSHALL COUNTY, WEST VIRGINIAState of West Virginia
v.Case No. 25-M25F-00238☐ Misdemeanor/ ☒ FelonyKiersten Nicole Moses
Defendant (full name)

Social Security Number

Address

Driver's License / Identification Number

City, State & Zip Code

Phone Number(s)

CRIMINAL COMPLAINT

Mag. Ct. Criminal Procedure Rule 3.4; 18 U.S.C. § 921(a)(33)

I, the undersigned complainant, upon my oath or affirmation, state the following is true and correct to the best of my knowledge and belief. On or about 09 / 18 / 2025, in MARSHALL County, West Virginia, in violation of *West Virginia Code § (cite specific section, subsection, and/or subdivision, if applicable)* §61-8F-4 Battery and assault of a disabled child, the defendant did *(state statutory language of the offense)*

See Attached SheetI further state that this complaint is based upon the following facts: ☒ Check if continued on attached sheet.See Attached Sheet

(If this complaint involves any of the following relationships to the defendant, check all that apply.) The defendant:

- | | |
|---|--|
| <input type="checkbox"/> is/was married to the victim. | <input type="checkbox"/> is/was living in the same household with the victim. |
| <input type="checkbox"/> is/was a parent or guardian of the victim. | <input type="checkbox"/> is/was a person who is a sexual or an intimate partner of the victim. |
| <input type="checkbox"/> has a child in common with the victim. | <input checked="" type="checkbox"/> has none of the above connections to the victim. |

(If this complaint involves driving under the influence (DUI) and any other traffic violations indicate the following.)

Refused secondary chemical test ☐ yes ☐ noIs CDL holder ☐ yes ☐ no

Complainant (who appears before Magistrate):

First Sergeant S. M. Durrah

Complainant (full name)

1700 Lafayette Avenue

Address

Moundsville, WV 26041

City, State & Zip Code

304-843-4100

Phone Number(s)

Member of the West Virginia State Police

Office or Title, if any

On this complaint, sworn or affirmed before me and signed in my presence on this date by the complainant, the item(s) checked below apply:

Finding

Issuance

- ☐ No probable cause found
☒ Probable cause found

- ☐ Summons issued
☒ Warrant issued
☐ Warrantless arrest

Date

Complainant Signature

Date

Magistrate Signature

IN THE MAGISTRATE COURT OF MARSHALL COUNTY, WEST VIRGINIAState of West Virginia
v.

Case No.

25-MJ5F-00238☐ Misdemeanor/ ☒ Felony

Defendant (full name)

Social Security Number

Date of Birth

Address

Driver's License / Identification Number

City, State & Zip Code

Phone Number(s)

CRIMINAL COMPLAINT

Mag. Ct. Criminal Procedure Rule 3.4; 18 U.S.C. § 921(a)(33)

I, the undersigned complainant, upon my oath or affirmation, state the following is true and correct to the best of my knowledge and belief. On or about 09 / 18 / 2025, in MARSHALL County, West Virginia, in violation of *West Virginia Code § (cite specific section, subsection, and/or subdivision, if applicable) §61-8D-3. Child abuse resulting in injury; child abuse creating risk of injury*, the defendant did *(state statutory language of the offense)*

See Attached Sheet

I further state that this complaint is based upon the following facts: ☒ Check if continued on attached sheet.

See Attached Sheet

(If this complaint involves any of the following relationships to the defendant, check all that apply.) The defendant:

- | | |
|---|--|
| <input type="checkbox"/> is/was married to the victim. | <input type="checkbox"/> is/was living in the same household with the victim. |
| <input type="checkbox"/> is/was a parent or guardian of the victim. | <input type="checkbox"/> is/was a person who is a sexual or an intimate partner of the victim. |
| <input type="checkbox"/> has a child in common with the victim. | <input checked="" type="checkbox"/> has none of the above connections to the victim. |

(If this complaint involves driving under the influence (DUI) and any other traffic violations indicate the following.)

Refused secondary chemical test ☐ yes ☐ noIs CDL holder ☐ yes ☐ no

Complainant (who appears before Magistrate):

First Sergeant S. M. Durrah

Complainant (full name)

1700 Lafayette Avenue

Address

Moundsville, WV 26041

City, State & Zip Code

304-843-4100

Phone Number(s)

Member of the West Virginia State Police

Office or Title, if any

On this complaint, sworn or affirmed before me and signed in my presence on this date by the complainant, the item(s) checked below apply:

Finding

Issuance

- | | |
|--|--|
| <input type="checkbox"/> No probable cause found | <input type="checkbox"/> Summons issued |
| <input checked="" type="checkbox"/> Probable cause found | <input checked="" type="checkbox"/> Warrant issued |
| | <input type="checkbox"/> Warrantless arrest |

Date

Complainant Signature

Date

Magistrate Signature

IN THE MAGISTRATE COURT OF _____ MARSHALL _____ COUNTY, WEST VIRGINIA

CRIMINAL COMPLAINT (CONTINUATION PAGE)

*State of West Virginia vs. Kiersten Nicole Moses**Statutory Language:**§61-8F-4 Battery and assault of a disabled child.**(a) Any person in a position of trust to a disabled child, with supervisory responsibility over the child who unlawfully and intentionally makes physical contact of an insulting and provoking nature to the person of the disabled child or unlawfully causes physical harm to the disabled child is guilty of a felony**Facts for Belief:*

The undersigned officer, First Sergeant S. M. Durrah, began an investigation into a complaint of abuse of a child by a teacher on October 8, 2025. The investigation revealed that on Thursday, September 18, 2025, Kiersten Nicole Moses, a special needs teacher at McNinch Elementary School, grabbed a six (6) year old female student by the neck. Ms. Moses used both hands to squeeze the student, A. W., by the neck. A. W. is a nonverbal Autistic child. The incident was recorded on video and was reviewed by the undersigned officer. The incident occurred at McNinch Elementary School located near Moundsville in Marshall County, West Virginia.

In the video, Kiersten Moses interacts with A. W. near a door in the special needs classroom. A. W. appears to become agitated and advances towards Ms. Moses. Ms. Moses reacts by placing both hands around A. W.'s neck in such a manner that it appears A. W. cannot breathe. She holds A. W. in this position for approximately six (6) seconds. Following the incident, an aid, who witnessed the incident, took A. W. to the nurse's office where photographs of red marks on A. W.'s neck were taken by the school nurse.

After review of additional video, it was discovered that on September 16, 2025, Kiersten Moses had previously interacted with A. W. While doing so, on one occasion, Ms. Moses stood behind A. W., chose to grab A. W.'s arms and pulled them in a criss cross behind A. W.'s back in an needless and uncomfortable position.

This same narrative will be used in all charges to include the felony charges of Child Abuse and Strangulation and two charges of Battery of a Disabled Child.



12/02/2025

IN THE MAGISTRATE COURT OF _____ MARSHALL _____ COUNTY, WEST VIRGINIA

CRIMINAL COMPLAINT (CONTINUATION PAGE)

State of West Virginia vs. Kiersten Nicole Moses

Statutory Language:

§61-8D-3. Child abuse resulting in injury; child abuse creating risk of injury

(c) A parent, guardian, custodian, or person in a position of trust in relation to a child who abuses a child and by the abuse creates a substantial risk of death or serious bodily injury to the child, as serious bodily injury is defined in §61-8B-1 of this code, is guilty of a felony

Facts for Belief:

The undersigned officer, First Sergeant S. M. Durrah, began an investigation into a complaint of abuse of a child by a teacher on October 8, 2025. The investigation revealed that on Thursday, September 18, 2025, Kiersten Nicole Moses, a special needs teacher at McNinch Elementary School, grabbed a six (6) year old female student by the neck. Ms. Moses used both hands to squeeze the student, A. W., by the neck. A. W. is a nonverbal Autistic child. The incident was recorded on video and was reviewed by the undersigned officer. The incident occurred at McNinch Elementary School located near Moundsville in Marshall County, West Virginia.

In the video, Kiersten Moses interacts with A. W. near a door in the special needs classroom. A. W. appears to become agitated and advances towards Ms. Moses. Ms. Moses reacts by placing both hands around A. W.'s neck in such a manner that it appears A. W. cannot breathe. She holds A. W. in this position for approximately six (6) seconds. Following the incident, an aid, who witnessed the incident, took A. W. to the nurse's office where photographs of red marks on A. W.'s neck were taken by the school nurse.

After review of additional video, it was discovered that on September 16, 2025, Kiersten Moses had previously interacted with A. W. While doing so, on one occasion, Ms. Moses stood behind A. W., chose to grab A. W.'s arms and pulled them in a criss cross behind A. W.'s back in an needless and uncomfortable position.

This same narrative will be used in all charges to include the felony charges of Child Abuse and Strangulation and two charges of Battery of a Disabled Child.

F/Agx Amel

12/02/2025

Case No. _____

IN THE MAGISTRATE COURT OF _____ MARSHALL _____ COUNTY, WEST VIRGINIA

CRIMINAL COMPLAINT (CONTINUATION PAGE)

State of West Virginia vs. Kiersten Nicole Moses

Statutory Language:

§61-2-9d. Strangulation; suffocation and asphyxiation; definitions

(a) As used in this section:

"Bodily injury" means substantial physical pain, illness or any impairment of physical condition;

"Strangle" means knowingly and willfully restricting another person's air intake or blood flow by the application of pressure on the neck or throat;

"Suffocate" means knowingly and willfully restricting the normal breathing or circulation of blood by blocking the nose or mouth of another; and

"Asphyxiate" means knowingly and willfully restricting the normal breathing or circulation of blood by the application of pressure on the chest or torso.

(b) Any person who strangles, suffocates or asphyxiates another without that person's consent and thereby causes the other person bodily injury or loss of consciousness is guilty of a felony

Facts for Belief:

The undersigned officer, First Sergeant S. M. Durrah, began an investigation into a complaint of abuse of a child by a teacher on October 8, 2025. The investigation revealed that on Thursday, September 18, 2025, Kiersten Nicole Moses, a special needs teacher at McNinch Elementary School, grabbed a six (6) year old female student by the neck. Ms. Moses used both hands to squeeze the student, A. W., by the neck. A. W. is a nonverbal Autistic child. The incident was recorded on video and was reviewed by the undersigned officer. The incident occurred at McNinch Elementary School located near Moundsville in Marshall County, West Virginia.

In the video, Kiersten Moses interacts with A. W. near a door in the special needs classroom. A. W. appears to become agitated and advances towards Ms. Moses. Ms. Moses reacts by placing both hands around A. W.'s neck in such a manner that it appears A. W. cannot breathe. She holds A. W. in this position for approximately six (6) seconds. Following the incident, an aid, who witnessed the incident, took A. W. to the nurse's office where photographs of red marks on A. W.'s neck were taken by the school nurse.

After review of additional video, it was discovered that on September 16, 2025, Kiersten Moses had previously interacted with A. W. While doing so, on one occasion, Ms. Moses stood behind A. W., chose to grab A. W.'s arms and pulled them in a criss cross behind A. W.'s back in an needless and uncomfortable position.

This same narrative will be used in all charges to include the felony charges of Child Abuse and Strangulation and two charges of Battery of a Disabled Child.

F/Sgt S. M. Durrah

12/02/2025