




AFFIDAVIT

Now COMES Trisha L. Conti, affiant, being duly sworn and on oath, deposes and says:

- 1) I am Director of the Vermont Forensic Laboratory (VFL), a division of the Department of Public Safety. My responsibilities include supervision and oversight of the VFL and its staff. The VFL analyzes drug samples submitted by law enforcement for qualitative analysis. The VFL is accredited by the ANSI-ASQ National Accreditation Board (ANAB).
- 2) I am personally familiar with the analytical procedures and methods used by staff at the VFL.
- 3) Heroin and fentanyl predominantly appear in powder form. A typical suspected heroin/fentanyl submission is best described as being a small plastic or wax paper package containing the suspected powder. It is not uncommon for heroin and fentanyl to be present in the same sample.
- 4) The VFL has reviewed the results of all heroin and fentanyl cases tested in 2023. The average bag weight for heroin and/or fentanyl packaged in a manner consistent with Paragraph 3 is 22.3 milligrams. This is a net powder weight, determined without the packaging. The average weight provided is for samples containing heroin and/or fentanyl, and does not include samples containing a fentanyl analog, unless heroin or fentanyl was also present. Of the cases tested in 2023 which were included in the average bag weight analysis, 35% contained heroin and 98% contained fentanyl.
- 5) A review of heroin/fentanyl analysis at the VFL indicates that when one bag tests positive for heroin and/or fentanyl, it is reasonable to infer that the remainder of similar packages contained within that exhibit will also contain heroin and/or fentanyl. Therefore, an estimation of the suspected heroin/fentanyl contained in a submission/case can be calculated by multiplying the number of suspected heroin/fentanyl packages in the submission by 22.3 milligrams, the average weight of powder contained in heroin and/or fentanyl packages.
- 6) The VFL discourages officers from field testing more than one bag from a single submission/case. This is because these packages contain a very small amount of powder. The lack of a suitable testing environment risks contaminating the samples. This can compromise the samples and prevent future forensic analyses. Accordingly, it is recommended that only one sample per submission/case be tested in the field. After field testing, samples should be forwarded to the VFL for qualitative analysis if necessary.

Dated at Waterbury in the county of Washington, Vermont this 17th day of January, 2024.


Trisha L. Conti, Affiant

Subscribed to and sworn before me at Waterbury, Vermont on this 17th day of January, 2024.

Rubin Goldberg
Notary Public

Commission Expires: January 31st, 2025