

STATEMENT GIVEN BY: Kelly Moffett

CASE NO.: 97-11829

The following is an interview with Kelly Moffett. The interview was conducted on 10/24/97 starting at approximately 1005 hours.

Q. State your name, please.

A. Kelly Ann Moffett.

Q. And your date of birth, Ms. Moffett?

A. October 18, 1982.

Q. Home address?

A. [REDACTED]

Q. And what city is that in?

A. Lenexa, Kansas.

Q. And a home telephone number.

A. [REDACTED]

Q. Do you know an individual by the name of uh, Justin Bruton?

A. Yes.

Q. Okay, what is your relationship to Justin?

A. Uh, I've been friends with him for about a year.

Q. How did you guys meet?

- A. Uh, down in Westport at a coffee house, we just like started talking one day.
- Q. Do you also know an individual by the name of uh, she goes by the name of Stacy?
- A. Stacy?
- Q. Anastasia.
- A. Anastasia. Oh, yeah.
- Q. And what is your relationship to Anastasia?
- A. Well, I met her through, because I was friends with Justin when they started dating, when they started hanging out, and yeah we were friends.
- Q. And how long did you know Anastasia?
- A. Um, probably about 5 or 6 months. I think her and Justin were dating for about, yeah, 5 or 6 months, and I met her like when they started dating.
- Q. You are aware that, uh, Anastasia was killed the other night?
- A. Mmm-hmm.
- Q. Do you know why you're here today talking with us?
- A. Mmm-hmm.
- Q. And what would that reason be?
- A. Probably just to find out what happened, because, I mean, as far as I know, like no one has any idea including me and like Byron and everybody else. We're also curious as to where Justin is, this is just not like

him at all.

Q. Okay, when was the last time you saw Anastasia?

A. Um, it would probably be Wednesday night at uh, around like 7:30 or so.

Q. Where at? What were you guys doing?

A. Uhm, we had picked her up at uhm, Dairy Queen.

Q. Who's "we"?

A. Uhm, Justin Bruton, Byron Case and me. We picked her up at Dairy Queen.

Q. Was this planned to pick her up there?

A. Uh, yeah. Well, it, the plans were kinda screwed up, but yeah, I mean she called him specifically to ask to pick her up at Dairy Queen.

Q. Well tell me about how the arrangements were made, I mean, what were the plans, what were you going to do?

A. Uhm, it was, it was kinda a mess. But, uh, as far as I understand, uh, she had made plans with Justin to meet him at the Washington Memorial Cemetery, 'cause she just like wanted to talk to him. And. . .

Q. Do you know what about?

A. Uhm, no, not really. They hadn't been having like any problems like for the past couple of days that I knew of.

Q. And why the Mount Washington Cemetery?

A. They were always going, well, I know uh Justin and Anastasia, they just kinda liked cemeteries. I'm really not sure, but usually, I mean, it was really pretty

there, and she had this one moseleum that she really like, liked to go and like write poetry at and stuff.

Q. Write poetry?

A. Mmm-hmm.

Q. Okay. And so she and Justin had plans to be together?

A. Mm-hm.

Q. And were you and Byron included in those plans?

A. Uh, no, that was uhm, part of the problem. Like she had canceled them because she was going to go out like with her family. Then, uhm, I guess she got the okay that she didn't have to go. So she calls back Justin, uh, and goes, well now I can go. But he had already, he had just made plans with me and Byron, so she was upset about that, you know. She was like, well you made plans with me first. And they kind of had a fight about, you know, he's like you can't just cancel plans, and then get them back and like expect them to be able to. So, she's like, well, look, I'm cold, I have no way home, just come pick me up at Dairy Queen. She's like, I'll be willing to talk to you with them there.

Q. Okay, where was she at when she was calling?

A. Um, she was at a Dairy Queen, like right across the street from uhm that cemetery.

Q. And where was Justin when she called him?

A. Uh, he was at home.

Q. Were you there also?

A. Yeah, me and Byron was there when she called.

- Q. Okay. And then what happened?
- A. Uh, then we left to go pick her up.
- Q. Who was driving?
- A. Justin, it was his car. And so it was uh me, Byron and Justin went to go pick her up. Uh, it took us a while to find the Dairy Queen, but we found it, you know, went in and got her.
- Q. What Dairy Queen?
- A. I'm really not sure. It was like off the highway.
- Q. What's it near?
- A. Well, it's right across the street from Washington Memorial Cemetery, like right across the street.
- Q. That'd be like on 24 Highway, or Independence Avenue?
- A. Yeah, that was exactly where.
- Q. Okay, go ahead.
- A. So we went in and picked her up. And, uh, she still kinda wanted to go to the cemetery, like Washington, so uhm, we had planned for her and, uh, Justin to like go off and talk, and me and Byron would go like sit elsewhere, 'cause she kinda wanted to talk to him alone. So we went in there, but then I think it was, uh, the care keeper, like grounds keeper person, uhm, kinda followed us out 'cause it was after hours. So we were just kinda had to like, scratch that, 'cause we weren't allowed to be there. Uhm, I don't know Independence, we just kinda drove around and, uh, we had just decided to, uh, go back to Justin's place so that they could talk.

Uhm, then we went around . . .

Q. Did you go back to Justin's?

A. Hmm-mm, we didn't, uhm, like make it there. We were going, I'm not sure where it is, but uh, right by like Erotic City and like those kinda like sleazy places, uh we were driving past there and there's like gates and a place with, I don't like, tombstones and stuff, over on the side, kinda a little bridge. And at that stoplight, uh, her and Justin had been like fighting in the car.

Q. What about?

A. Uhm, she was just like, thanks a lot, you know, you're late, I'm cold, just the usual stuff, they were always just fighting about stuff like that. And, so, like at the stoplight they, like continued fighting and uh, Justin kind of, he would just always kind of ignore her when they'd fight, and she's like, you don't understand, this time I'm like really serious. Uhm, she's like, and she used to always just kind of storm out of his house, or like get out of the car, so she just like got up, she's like, just screw it, I'm going to get out of the car, so. She got out and Justin's like, quit being a baby, like get the hell back in the car, how are you going to get home? She's like, oh just call my mom. So she like slammed the door and walked off.

Q. And where was this at?

A. Uhm, right by, I guess, I mean, I don't drive, so I don't know the streets, it was right by, let's see, it was like uhm, . . .okay.

Q. Could you draw me a little map . . .

A. Yeah. It was like a pretty big uh, here's like the road, pretty big street.

- Q. Do you remember the name of that street?
- A. Hmm-mm, I'm not sure.
- Q. Okay, go ahead.
- A. But, uh, like right over here there was like uh, like I remember seeing that, like, Erotic City and stuff was right here, then uh. . .
- Q. And which way were you, you all . . . ?
- A. We were like, driving like that way, like past it.
- Q. Just for the record, that would be westbound on Truman Road at Erotic City.
- A. Okay. Yeah. Then up ahead past uh Erotic City there's like a bridge type of thing, like right there, I'm not sure how far away . . .
- Q. That would be the overpass for 435 highway?
- A. Yeah. And uh, up there at like uh, the nearest stop light, past the bridge, that's where she got out.
- Q. You went under the bridge?
- A. No, like over the bridge. Under it?
- Q. You went over a real long bridge?
- A. Yeah, it was fairly long.
- Q. Okay, you went over a real long bridge, and there's another stop light up here, after you got over the bridge.

- A. Yeah, uh, I remember, uhm, right. . .
- Q. That would probably be Winchester.
- A. Yeah, and then I remember, like right over here on the side, I like right across from the bridge there was like that place that I said was like the tombstones and stuff, I'm not sure.
- Q. . . , there's one on back west, east of there, or west of there, east of there. Down there at that Johnson Monument, but that's down there on the other side. There's not one up there at Winchester.
- Q. What else was there in that particular area that you're talking about?
- A. There was just like, some more, just like regular stuff like gas stations and stuff like that.
- Q. Okay, could you go ahead and draw a little, just a little square. . .
- A. Yeah, it was probably, uhm, like past the bridge, yeah, there's like, uh, gas stations or something here, but I'm, I, it has to, God, I know that there was a thing was a thing with tombstones, 'cause I remember like looking over and we were just kinda looking at each other and uhm, I was thinking, you know, it was a bad area 'cause it was dark and it was just kinda like big and deserted and then there was like bars. . .
- Q. Was it in a construction area?
- A. Yeah, that was,
- Q. Where you saw those monuments?
- A. Yeah, there was kind of, the bridge was kinda by

construction stuff on either side, and then there was the monument place.

Q. Okay, you came by the monument place, went up under a bridge, down a hill to Erotic City, saw that. You continued on west under the bridge, right, to the next stop light.

A. Mmm-hmm.

Q. Okay, now did you go all the way across the bridge?

A. Yeah, mmm-hmm. To about

Q. Okay, now do you think you could be confused that the monument company being back here where the construction was, instead of up here on Winchester?

A. Yeah, probably. Because I don't really, like I said, I mean, I wasn't really paying attention.

Q. Because now there is a monument company across that long bridge, 35mph speed limit, real narrow bridge. There's a monument on the right, then as you go on up under the bridge and you go down a hill past Erotic City. And you go under the bridge at 435 and you go on up to the next light, which is Winchester.

A. Yeah, that was probably it.

Q. After you go across the long bridge. Okay?

A. 'Cause she didn't, I don't, she didn't get out like right by that, 'cause there was no way to get out by that.

Q. Would you know that location if you saw it again?

A. Yeah.

- Q. Okay. Go ahead. Anything else, did you notice anything, a school or anything over here?
- A. Mmm, no, not really. There was just a bunch of buildings. I wasn't really, like looking out that way. I was more concentrated on that.
- Q. Then she actually got out of the car at this point?
- A. Yeah, she got out of the car, at like the stoplight after the bridge.
- Q. Okay. And, then what happened?
- A. Well, then, uhm, . . .
- Q. Before you, about what time was this?
- A. Let me see, uhm, uhm, probably around like 7:15 or 7:30 because we got back to uh, Justin's condo at like 8:00 and usually it takes about 45 minutes or so to get there.
- Q. Okay, so she got out of the car. . .
- A. Mmm-hmm. And uhm Justin, uh, he was like, he's like, you know, quit it, quit being a baby. Just come back here and talk, you don't need to like storm off. And she was just like, yelling like stuff back at him, and uh.
- Q. Like what?
- A. Oh well, it was basically, she was just like, fuck off, you know, you're the one that like made me mad, although she's like don't get you know, all upset now. And all this, like this happened all the way home, so finally he, look you know, I'm not going to put up with this anymore, so he's like let's just go back to my condo and I'll call her from there. So.

- Q. And, so you left her?
- A. Yeah. Well, also, Justin was like, you know, she does this all the time and, like I said, there was gas stations and stuff, so he thought she'd just go over there to call.
- Q. Okay. And, uh, could you tell what she was doing when you left? I mean, did you look back and see anything?
- A. Yeah, she was just, um, well, when I looked back she was just kinda standing on the side of the road waiting to like cross over.
- Q. Did you ever see her cross the road?
- A. Mmm-hmm. Well, she was still waiting, but yeah I like saw her start walking 'cross the road.
- Q. Okay. Did you see her get to the other side?
- A. We were gone by then. 'Cause Justin was kinda mad, and he kinda sped off.
- Q. Okay, and after you left there, then where did you go?
- A. Uhm, we went right back to Justin's.
- Q. And then what did you all do?
- A. Uhm, let me see. Uhm, Byron was like playing video games and stuff. Uhm, Justin was kinda like, you know, upset about the whole thing. He, well, at first he was kinda angry, you know, he was like she always does this, he was kinda bitchin' about it. Then, uhm, he got like kinda worried and uh, let me see, I think, I'm not sure if he got paged. Uhm Byron called his friend Abraham and he wanted him to go over to his ex-girlfriend Tara's house and, uhm drop off some of her stuff that he still had and

pick up some of his stuff. They used to live together.

Q. You say the name is Tara?

A. Yeah. Tara McDowell.

Q. Do you know what her phone number is?

A. Uhm, no, I'm not really good friends with her. Uhm, Byron would know her phone number, but her phone is like disconnected, I think. She couldn't pay her phone bill.

Q. Okay. And Byron called her?

A. Uhm, no. Abraham called him to come pick up, he goes, come pick up, I just have some of Tara's stuff, and I made up a list of stuff of mine that she still has, so could you go like drop, drop that off. So, uhm, we decided to leave, because I had to be home at 9:00, that's like my, uhm, on school nights, that's my curfew. So, uh, we went back over to Abraham's house, picked up the bag of her stuff, and the list.

Q. Where does Abraham live?

A. Uhm, hmmm, uhm, Byron knows the address. Well, it's not where he lives, it's where he's house-sitting. He lives in Independence normally, but he's house-sitting for a friend of his named Paul, or at least he was, right over in the Westport area.

Q. Okay. So who all went to Abraham's?

A. Uh, me, Justin, Byron. But we just ran up to the door, got like her bag of stuff and left.

Q. Just you and Byron?

A. No, Justin went too, to the door. We all three went up

to the door. Uhm, we talked to Abraham for like a couple of minutes, and then, uh left, but by then it was pretty late, so we had to go take me home.

Q. What's pretty late?

A. Probably, it was about like 8:30, 8:40. 'Cause I remember, he was like, well, if we're going to get you home by 9:00, we need to leave now. So, uh, we went back to my house, and they said that they would just get the stuff from Tara like on the way back. And, uh, like they dropped me off, but by then Justin was kinda worried, because Anastasia, like he knew that if she, she probably would have paged Byron, like if she still was mad, or if she needed a ride. So, like when we got to my house, he asked if he could use the phone, and he called uh her family and asked if she was home.

Q. And about what time was this?

A. Probably like 9:00/9:15. Yeah, so, uh, he called her up, he talked to her sister, Fran, and she was like, no, she's not home yet. So Justin got like kinda freaked out and he was like, uh, he's like well, he goes, we gotta go. He's like, so they just went from there, got the stuff from Tara's house and then he just took Byron home.

'Cause he's like, he goes, he's like, I'm not in the mood to do anything. I'm just going to go home and, uh, call Anastasia's family again and then go to sleep.

Q. Okay. And where does Byron live?

A. Uh, now he's living at his mom's house. It's like down in Westport.

Q. Okay. So after, after they left, Byron and Justin, did you have any contact with either one of those individuals that night?

- A. Uh, yeah. Uh, let me see. Oh, I was still kinda like, like worried about like Anastasia, because uhm, I had tried to call Justin and I couldn't get a hold of him, so I uh paged Byron, it was probably about midnight or so, and uh, he called me back and that was just about it. I was like, did you know what happened with Justin and Anastasia, and he's like, oh, probably same ol' same ol'. So we just talked about like other stuff and then I got, uhm, pretty tired, and, 'cause I had school the next day and went to bed.
- Q. Did you talk to Justin?
- A. Uh-hmm. I haven't talked to Justin at all since, like the last I saw him in person was the last time I talked to him.
- Q. And when did you find out that Anastasia had been killed?
- A. Uhm, well, I got home from, I ended up going uhm with my mom to visit my grandparents in Missouri.
- Q. When was this?
- A. On Thursday. Instead of going to school. Uhm, so I went with her and I got back and Byron said to page him like when I got back, so I paged him. And he and his friend Abraham called me on 3-way which I thought was kinda strange. And I was like, well, hi, you know, uh, and he's like Abraham's on 3-way and I was like, why's Abraham on 3-way? And Byron was upset and he's like well, Abraham, you'd better tell her. And he's like, hey, did you watch the news? And I was like, no. And he goes, well, uh, I watched Channel 4 news, and he was like, they found Anastasia dead like, in Independence. And, at first, I like didn't believe him. He's like, no, just watch the news, like, 5:00 or 6:00. So I watched it and I saw it and then, um, Byron called me back and it was just, just really strange. And then, uh,

Abraham said that the second that he saw it on the news, he tried to call, uh, Justin, and nobody like picked up, he got his answering machine.

Q. And you haven't seen or talked to Justin then?

A. Hmm-mm. The last person that I think talked to Justin was, uh, Byron. He called him at like 9:00 a.m. on Thursday, I think. I'm not sure what he said, but Byron just thought that was kinda weird, because Justin usually doesn't get up till like 1:00. And, he's like, he said something like, you know, Anastasia's parents were calling me last night looking for uh, for me, I was worried like I can't, couldn't sleep and that was it. And then Justin's like, well you sound tired, I'll just call, I think I'm going to go back to sleep, too, I'll just call you later. And that was the last.

Q. Do you know where Justin's at right now?

A. Hmm-mm. I have no idea. We've been like calling him, we went by his house, uhm, me, uhm, Byron, his mom and his mom's boyfriend, and his car wasn't there.

Q. Does Justin have any places that he goes to, like the cemeteries, or certain mausoleum, did he have any special places you know of?

A. Uhm, not really. I, I think Byron would probably know that better than I would, 'cause, in fact the only people that I was usually, like around him with, were like the mutual friends, like, oh, Anastasia, basically, and Byron and occasionally, Tara. So those were like the only friends of his that I know of.

Q. Does Justin have any guns?

A. Well, he bought one, like, I don't know what kind it was, it's just like a shotgun at Wal-Mart, like about a month

ago, but then, uhm, he sold it at a, uhm, gun show, he said, 'cause he had just bought it he said to like shoot cans, and stuff, and it was, he just thought it was like, too expensive and stuff, so.

Q. Okay, and he told you he sold it?

A. Mmm-hmm.

Q. And when did he tell you that?

A. Uhm, well actually, he didn't tell me directly. He told Byron. 'Cause, uhm, hmmm, I really don't know. I just remember uhm we were talking about it last night, and I was well, what ever happened to Justin's gun? He goes, oh, well he sold that at a gun show. That I think he and Anastasia went to, I'm not sure.

Q. Okay, well what brought up the subject of Justin's gun?

A. 'Cause we were just, like, speculating at, 'cause so many people were like asking us about and we'd already been asked if he'd like, did own a gun. His, uhm, step-father, when we talked to him, he's like well, he goes, do you think Justin's okay? Does, like, he have any weapons, and that's when Byron brought that up.

Q. When did you all talk to him?

A. Uhm, well, when we got back to my house, after like we found out, uhm, we had seen it on the news, we were like, oh my God, and we were looking for Justin's number and I, when we first met he gave me his number in Tulsa, so we called there and finally left message on his answering machine. And like ten minutes later his step-dad called back. And that's when we talked about it.

Q. Did you ever see this gun?

- A. Uhm, yeah, once, when he first got it.
- Q. What did it look like?
- A. Mmm, I really don't know anything about, it was just, it kinda looked like just a bigger BB gun, but it was like a real gun.
- Q. A hand gun?
- A. No, it was like long, it was like a shotgun. It had one of those, like, big, like big wood things you hold on, it was pretty long.
- Q. Did you see him work it at all, or do anything with it?
- A. Hmm-mm. No. He just kinda, I was like is that a big BB gun, and he goes no, he's like, I bought it at Wal-Mart, but I'm thinking kinda like it was a waste of money. So.
- Q. Did he say how much he paid for it?
- A. It was quite a bit, I think, I don't know. Maybe like, at least over \$100 'cause I remember Byron going like, you know, I can't believe you spent that much money on like a stupid gun, like that you have no use for. And that's when Justin was like, yeah, and he also thought his parents were going to get mad, because like he took money out of his bank account for it. So he goes, yeah, I'm just going to get rid of it.
- Q. But you don't know of any places that Justin would go to, just be by himself or anything?
- A. No, not really. Usually, when I was with him, he was in public like we went to like coffee houses in the Westport area and stuff like that.
- Q. Do you know who killed Anastasia?

- A. Hmm-mm. I have no idea. It was just like a complete shock, 'cause the last time I saw her I just assumed she was walking home.
- Q. We were talking earlier before that Det. Kilgore came in about Justin's demeanor. What did you say about him?
- A. About Justin. . .
- Q. About being kind of mean to Anastasia, and stuff like that.
- A. Well, they were, she was always kinda upset, because she would always like get real emotional about things, and he was just kinda apathetic. And, well, like, when they fight, like that was one of the main reasons she was mad the other night, 'cause I mean, he just, you know, she'd be real upset and he'd be like, oh get over it. And so.
- Q. Did you ever see them actually fight?
- A. Yeah, I saw them fight. But it always kinda seemed like a one-sided fight, like Anastasia was yelling at him and he was just kinda like always going like . . .
- Q. No physical?
- A. Hmm-mm, no. Well, I remember he told me a story how they were engaged for a while and uh, when she moved out, because they used to live together, when she moved out, she like threw the engagement ring at him, but that was all I ever heard of.
- Q. Did you ever see Anastasia with a stun gun?
- A. Stun gun?
- Q. Do you know what I'm talking about?

- A. Like a tazer type thing? Uhm, no, well Byron had one. Him and Justin like always bought like stupid little toys, but his doesn't like . . .
- Q. Did you ever see it?
- A. Mmm-hmm.
- Q. Did it have like a number 300 on it?
- A. I never liked looked at it closely.
- Q. We found one on her bed yesterday, that's why I'm asking you.
- A. Mmm-hmm. It might have, I'm not sure, it might have been Justin's, but I know uh him and Byron bought one, I don't think Byron has his anymore, but Justin just had all kinds of like little stuff.
- Q. And you don't know if Justin's got any handguns or not?
- A. Mmm, not that I know of. The only gun I ever heard about was the one he bought at Wal-Mart.
- Q. What's your feelings about Justin's killing her?
- A. Do I believe Justin killed her? Well, I can't, like imagine, he just seemed like, I don't know, he was kinda like a big kid, I mean, even though he was 20, like we used to always tease him because basically what he did was like watch movies and play video games.
- Q. Do you think he's capable of doing that?
- A. I don't, I hope not. I don't think so because every time I was around him, I mean he didn't even, he wouldn't even like fight back with her or anything. I couldn't really

see, I don't think so.

Q. Did he ever talk about committing suicide?

A. Well, I knew, when I first met him, uhm, I knew he had like a history of that. He took Prozac and things like that, and I think he tried to commit suicide like a while ago when he was 16, but I didn't know of any like recent.

Q. Did you ever hear Anastasia say anything about committing suicide?

A. Uhm, yeah, actually. Well, with her it was kinda hard to tell, 'cause she was like kinda melodramatic, like, at least when they'd fight. And, uh, when he broke up with her like the first time, they've gotten back together like a million times, uhm, when he first, she moved, she first moved out of the house, I remember, I'm not sure if she was talking to Tara or Byron, but she was like, you know, I'm debating on whether or not, like, to kill myself. Everybody just kinda, you know, blew it off, like, oh Anastasia, you know, it's Justin, he'll get over it and you guys will be back together, so, no one really paid any attention to it.

Q. Do you have anything you'd like to add?

A. No, not really, but well, actually, this whole thing with Justin's kinda weird. Me and Byron have basically decided that either, we basically think he like committed suicide because he was kinda unstable and he wasn't taking like Prozac anymore. And I know that that night he was like really upset when he called Anastasia's house back. And also, I think her sister was like, yelling at him, just like "how could you let her get out of the car?" And he got like really upset.

Q. Francesca?

A. Mmm-hmm. That's all I know.

Q. You're aware our conversation is being tape recorded?

A. Mmm-hmm.

Q. Your mother was going to stay in here during the course of the interview, but just prior to it's beginning, she decided not to be present. Is this correct?

A. Yeah.

Q. Now, that was with your approval, correct?

A. Mmm-hmm.

Q. The interview concluded at approximately 1033 hours.

Sgt. Gary M. Kilgore #18