

The following is an interview with Kelly Moffett conducted on 8/22/98 starting at approximately 1225 hours.

Q. State your name, please.

A. Kelly Moffett.

Q. Ms. Moffett, I have requested that you respond out to the Jackson County Sheriff's Department so we can go over a few things that you have already told me in the past, and plus to see if there's any new additional information that you could share with me about the death of Anastasia WitbolsFeugen. You are out here with your parents, is this correct?

A. Yes.

Q. And, at your request, you wanted us to talk, you and I to talk alone, is this correct?

A. Yes.

Q. And that met with their approval, correct?

A. Yes.

Q. Has anything unusual been happening as far as with any of your friends that might have something to do with Anastasia's death?

A. Actually, yes, that's one of the reasons's why I, you know, really wanted to talk to you and especially alone. I'm starting to think, I don't really know if it's like hearsay or whatever, that maybe in the beginning it seemed absurd that there was a suicide pact or something. Just based on the way that Byron's acting. We've been fighting like a lot recently. He, like I stated in the letter to Mr. WitbolsFeugen, he will not talk about them whatsoever. If you do, he just starts crying. He's acting really irrationally about like well, talking to you guys. Like the police. Like, with me, it was just like sure I'll tell you what happened, anything with him. He just refuses to. I don't know why. I don't, I honestly don't know. He just, I think that there was something more going on that maybe they all planned to commit suicide together and stuff because, you know recently he's been staying stuff that Justin told him he was depressed. At the time I just thought Anastasia was being melodramatic, but now that you know in hindsight, well it was like well she was talking about committing suicide, she wanted to run away, just stuff like that. And at the time it was like, you know, used to them

being like that, but now just the way Byron's acting and different things I'm hearing I'm starting to think that.

Q. You say different things that you're hearing, what are you hearing?

A. Just very, it's kinda hard to explain. It's like just rumors, people that don't even really know them very well, stuff like that. I'm hearing from people down in Westport that had once seen Justin around, saying about last September, August, which was, you know before October everything happened, that he'd kinda, well they'd become really antisocial and stuff. And they just said it was because they were busy and going to school and stuff. But I was talking to people, oh where's Justin, blah blah blah. You know, they'll see the posters up that say the REWARD and like oh they had, you know. Well I was wondering what had happened to them, cause they hadn't been around, this was even way before any of this happened. Just stuff like that.

Q. Is there anybody that you can think of that you know that might know actually what happened?

A. Well, I think, honestly, I do think Byron knows. I think that, I really don't know. Me and my mom were discussing this. Maybe they all planned to commit suicide together and something happened, or him and Justin watched Anastasia kill herself, and then freaked out, or something. But something is going on. I mean, I don't think that it was really a murder situation. I think maybe one of them wanted to commit suicide, they couldn't do it, they helped each other or something like that. Because I don't know, it just, the whole thing just doesn't sit right. I'm just now buying that this was a wrong place, wrong time thing, after thinking about it. And it's like really been bothering me for quite some time.

Q. Well if this was an assisted suicide, let's say, when would they have done it?

A. I don't, maybe after they dropped me off. Maybe the whole thing was planned. Because it was, I thought it was pretty just strange. Cause like after Anastasia got out of the car, Justin was like oh well, I'm tired blah blah blah. And although you know, that was kind of traumatic and stuff, I don't know. Also, Byron didn't call me until about 12:30, 1:00, he called me late. Or I called him or something. But I don't know. And his mom doesn't remember when he got, she got, he got home that night, so she must have been asleep, so.

Q. Mmm-hmm. Well, when you talked with Byron later that night after they dropped you off, that was what, about 9:00? If I remember right.

A. 9:00?

Q. Back at your house. What time did they get you home?

- A. Oh, yeah, around 9:00, 9:15, something like that.
- Q. And then you talked to Byron later on that night?
- A. Yes.
- Q. Say, 12:30 or so?
- A. Yeah. Around that.
- Q. And do you know for sure where he was calling you from?
- A. I'm trying to think if we had caller i.d. back then or anything. I don't think, now I can't remember if he called me or if I called him. I think I might have called him, which he was at his mom's house. I think. Yeah, I think I called him.
- Q. And about what time was that?
- A. Yeah, about midnight, 12:30. Something like that.
- Q. How did he seem?
- A. Basically normal. Just hi, how's it goin'. I asked him if he had heard from Anastasia, how was Justin doing. He was like, well, we went and gave back the pants to Tara that they had picked up from Abraham's house, he's like, and came home. He dropped me off and went back to his condo. That's all he said. Didn't go into detail or anything.
- Q. Okay, you didn't go to Tara's with them, did you?
- A. Huh-uh. We picked up the pants from Abraham and then after they dropped me off, on their way back up to the Westport area, then they took them to her.
- Q. Do you think then this is a pretty elaborate scheme to do something like this? I mean, get you more or less like their alibi, I would, the way you're describing it.
- A. Yeah. That's what I'm thinking. I, see, that's why you know, I wanted to come here, I just have no idea. Cause it did seem weird. Why, I don't know why they picked me up in the first place. They showed up out of the blue, I was right out of school. I mean, they probably would have, normally Byron probably would have thought I was working. I was upstairs cause I didn't feel good, like taking a nap. They just kinda showed up. They're like oh we're going to go get some gas and then go back to the condo. And it was just, it just seemed kinda strange, like why would they pick me up in the first place? When most of the time Justin was like, oh well you have to give me gas money or something since it was like a 20 minutes drive. So. That was pretty strange.

- Q. Was there any kind of a firearm or anything?
- A. I knew that Justin had the shotgun that he bought from Wal-Mart. But he had told me that he returned it. So.
- Q. Back to Wal-Mart?
- A. As far as I know. I didn't go with him. All he said was that he thought it was too much money cause he spent it of his parents' money. So, that was all I knew.
- Q. You didn't see it that day or night?
- A. Hmm-mmm.
- Q. The day or night that she was killed?
- A. Hmm-mmm.
- Q. Prior to that, when was the last time that you saw that gun?
- A. Oh, gosh. I'm thinking it was either, I think it was just in his apartment actually. Like he had it like he put it like back, like everything was put back in the Wal-Mart bag, something like that. Either that, yeah, I think it was just at his condo last time I saw it.
- Q. Had you ever heard them talk about a suicide pact?
- A. I know that Justin had tried to commit himself several, commit suicide several times. I know Justin has, Anastasia was talking about you know, oh I can't live without you Justin, blah blah blah. I had also heard them talk about like possibly, well I, they would always get real quiet when I walked in the room. That's also why that didn't sit right with me. Just, I don't know. I think they were planning to run away or go somewhere or something, because like I said, it seemed like, especially when I'd run away and lived with them, you know, if I'd go out for a walk or something, I'd come back it would get like real silent and stuff when I came back in the room. But no, I never actually heard the word like suicide pact or anything like that.
- Q. Was Byron's car working?
- A. I don't remember. You have to, I don't know. Actually, you'd probably have to ask my parents on that because I remember that he was getting rides from Justin places, and that my mom was taking me over like to the Plaza area to see him and stuff, but I can't remember if it was because his car was in the shop or just

completely dead or if he just didn't have money for gas or something. I don't remember that.

Q. But you don't know if it was working or not?

A. Hmm-mmm. I know he hadn't been driving it recently, but I don't remember if it was just for lack of money or because it was broken or what.

Q. Did Byron go back out that night and look for Anastasia?

A. I don't know. I really don't know. All I know is when I called him at 12:00 or 12:30 he was there. I don't know if Justin did. Cause I know Justin was basically up all that night. At least that's what he told Byron the next morning.

Q. And did he say why he was up all night?

A. Well I didn't talk to him. Byron said he called him at like 8:00 or 9:00 in the morning, said I'm having trouble sleeping and he asked are you going to be okay? And I think it was just a short conversation. But I don't know.

Q. Here just recently, what's Byron's attitude been? What's going on with him?

A. As far as what? Just like normal attitude or . . .?

Q. Well, like your mother said that he called her and he was just very insistent and upset that you would talk to the police about this thing. He was saying not to.

A. Mmm-hmm.

Q. Why?

A. I honestly have no idea. I was talking about it, I think it was yesterday, and I was like, cause he was talking to a lawyer or something. I was like, why do you need a lawyer? And he was like well, you don't know how stuff can happen, you know. They could think something happened when nothing happened. Just weird stuff like that. I'm like, well what's the harm in it if I go talk to them? I'm like all I know is what happened that night, you know. Like even if Justin did have something to do with it, I don't know anything about that. And he's like but still, I don't, he was just, he goes but what if like, you know, I misplaced something or I forgot, I don't know. It was weird. He was just saying.

Q. What do you mean if he misplaced something?

A. Misplaced like the time, or something. He goes, you don't understand like how cops are. He goes, even if, he goes they're just going to try to, you know, cause

I'm like the only one of like the friends or what. I don't, it just, it was irrational completely.

Q. He's only the last friend did you say of, why? What's that mean?

A. Yeah. He goes well, he said I'm sure that if you know, Justin was around, they'd think it was Justin. He goes, but now, he goes, of course no one's going to think that it's you because you're like this little sweet, innocent girl, or something like that. But, I don't know. He just did not want me to talk to the police. It's like, well he goes, I go I'm just going to tell them what happened that night. And he goes well if they already know what happened that night, why do you need to talk to them? And I'm, well, they wanted me to talk to them so I'm going to talk to them. And he goes, well it's your decision, but I don't want you to. So.

Q. Do you think he knows something then?

A. Yes. Honestly, I do. I think that it just does not add up. At first it seemed like the, you know, wrong place/wrong time thing. But then it doesn't make any sense to me at all. Cause I actually found out you know where the place where she was found was at, and that isn't, I mean, why would she be walking up into the woods, or, that just doesn't make any sense to me. None of it actually does. And his attitude especially is like actually kind of frightening to me. It's like, like he called my, he never gets up this early, number one. And he's calling my mom, which he wouldn't do. And he's saying that . . .

Q. This morning.

A. Mmm-hmm. And also my mom said that his lawyer said that he told me to talk to him. So why is he lying and saying his lawyer is saying one thing, and something the other. So. I don't know.

Q. Well, has he ever said anything to you about what may have happened?

A. He like refuses to talk about the whole thing, basically.

Q. Is there anybody you think that might know? I know I've already asked you that, but you've had a few minutes to think. Anybody at all out there that might know other than Byron?

A. Oh, gosh. Well he doesn't talk to Tara anymore. And, possibly Abraham. But that's really the only other person I can think of. I mean he has some like other friends that he hangs around with, but they didn't know them. So, yeah, probably just Abraham.

Q. But he gave you no indication that he went back out that night after they left your house?

- A. Hmm-mm. No. Cause well I just called, we just had a fairly short conversation when I called him at 12:30.
- Q. This would have had to have happened then after they dropped you off?
- A. Mmm-hmm. I don't know if they went anywhere else. Honestly. Well, I know he was there at 12:30, but that's basically all I know. Cause like I said I didn't talk to him or Justin at any other time throughout the night.
- Q. Okay.
- A. Or the next morning cause I was out of town.
- Q. There is an individual that his car was seen in the area later that night.
- A. Byron's car?
- Q. Byron's.
- A. Now that doesn't sound right to me because I know, even my parents. They were pissy cause they were giving me rides out to see him and stuff, so. That doesn't make any sense to me.
- Q. You don't even think his car was up and running?
- A. Like I said, God. I can't remember, I don't know if it was just because he didn't have gas money, or because it wasn't running, or something. I know at one point it had like a blown head gasket or something. So it was just completely, either that or maybe, or, he's had so many problems with his car. It also used to overheat all the time. I don't know if it was because he didn't have gas money or it was overheating or if it was just completely messed up.
- Q. Then do you think Byron then is just afraid I'm trying to trick him into something?
- A. I think that, too. But I also do think he knows something. I think either he witnessed something, or Justin called him panicked at 9:00 and told him more than I said. Cause I don't see why Justin would call him at 9:00 in the morning just to say he had trouble sleeping. I mean, that's pretty stupid. He didn't even act like, well, from what Byron told me, he said Justin even acted like he wanted, you know, help to get back to sleep. I mean, that wasn't like Justin to wake up early in the morning and call someone to say they couldn't sleep very well.
- Q. Does Byron have any guns?



- A. Not that I know of?
- Q. Has he ever had any?
- A. I don't know. Hmm-mm. I know he has like a knife or two, but he doesn't have any guns that I've seen.
- Q. He's living in Kansas now, right?
- A. Yes.
- Q. Have you been to his new place?
- A. Yeah. It's his father's old house.
- Q. Is he living with anybody?
- A. Hmm-mm.
- Q. Living there by himself.
- A. Yeah. Well Abraham stays over there every once in a while, but not like a set roommate.
- Q. How long has he been living over there?
- A. His father passed away in December. Probably moved in two months after that. It's only been, at the most, like 2-3 months. Something like that.
- Q. Is he working or anything?
- A. He was working for a while. He worked at Quick-Trip and then he went to Interim Personnel, but he hurt his knee and then he had to get his wisdom teeth pulled, so. Something like that. He started working, and then he had to get his wisdom teeth pulled, so he hasn't since then.
- Q. But he hasn't said anything to you, I mean just outright, about his knowledge about the death of Anastasia? About him knowing more than what he's told me?
- A. Hmm-mm. Like I said. He just won't talk about it at all. And if he does talk about it, all he talks about is he thinks that her father's harassing him. Which, like I said, is the reason why I wrote it down. So, I mean, if anybody brings up Justin or Anastasia, it's like small talk. It's like, oh remember when, but huh-uh, I never even really tried to talk to him about like anything that happened.



- Q. When you're talking to Byron, do you believe him? I mean, if he says I didn't have anything to do with it, do you believe him?
- A. Well, yeah. I don't think he was there, but I think he knows something more. Well, he could look at me, you know, and say no I didn't have anything to do with it. But just his attitude doesn't dictate as such. Well, I never really confronted him with it, so that you know, he'd have to sit there and like look at me and tell me that just, I don't, just his attitude is what doesn't sit right with me.
- Q. Is it okay if I just thumb through this real quick and see if there's anything in there I . . .? I'm going to shut this off.
- A. Mmm-hmm. Cause I could have sworn she had some, well I know she had money at Dairy Queen.
- Q. How did you know that?
- A. Well, because I think she bought a drink or something. Cause as we walked out I think she threw a cup away or something. I could have sworn she had her billfold, but then someone told me that she didn't have it. Or something, so.
- Q. Mr. WitbolsFeugen believes that he found it there in the house. Did you guys go back to her house at any time?
- A. Hmm-mm. Not while I was with them, no.
- Q. Do you think there was a time that they were together?
- A. Of course there's like the possibility of it. I don't know.
- Q. Has Byron given you any indication that they did?
- A. Hmm-mm. As far as I know from him, he went home and went to bed after Justin dropped him off.
- Q. Do you think that Byron is emotionally upset enough that he's going to cause any harm to you or anything?
- A. Hmm-mm. Hmm-mm. No, not to me, I don't think. No.
- Q. But then you are of the opinion now though that he knows something?
- A. Mmm-hmm. Definitely. Because if he didn't, I mean, what would be the harm of me coming here and talking to you and what would be the harm of him coming here? I mean, it just . . .

- Q. Well if he knew that, well let's just say that Anastasia committed suicide, then maybe she needed help doing so. If he didn't actually kill her, why would he not talk to me about it? Just to get to the truth?
- A. See, I don't know, see that's what I was thinking. It was like, well if he knows something, why doesn't he just come in the beginning. I mean, it's been almost a year, that's kinda ridiculous. I, I don't, I don't know, well, I think maybe he saw something or he was there maybe Justin shot Anastasia then shot himself. Or maybe he, I don't know. Or maybe he helped participate in it and then just got freaked out and then, cause I. I don't know. He was also talking about how he was afraid to come talk to you guys because he's on probation or something like that was going to do something. So maybe that was it. I don't know.
- Q. Do you think maybe he helped Justin?
- A. I, may. . . I don't know. I mean, it's a possibility. But I think, God I can't. I was, think I was with him most of the time.
- Q. The following two days?
- A. Or I know that I was out of town, well I came, when I came back from being out of town, that night I found out about Anastasia. Cause Byron just called me and said it was on the news. And I think I was with him for like the next couple days after that. But I don't really recall and I don't know. Could have been some time maybe when he could have met up with Justin, but I don't know if he was there all the time or what, if he left.
- Q. Anything else at all that you can think of that Byron said or did that would maybe shed a little light on this whole thing?
- A. Uhm, he's been, well, as you know, I'm sure, sure sure, WitbolsFeugen has said that, he's been really hostile towards him and I mean they've been like bickering back and forth through e-mail all the time. That didn't sit right with me. Like I said, just not wanting me to talk to you guys. What do you mean, just stuff and other things? Or just anything?
- Q. Anything at all.
- A. He's been really overly sensitive recently. Like to an extreme.
- Q. What's recently?
- A. Past couple months.
- Q. Any idea why?

- A. Hmm-mm. Well also, I know he's been saying, he's like, you don't understand like all of the stress that I'm under blah blah blah. And I'm like, what stress, you know. Cause, obviously his father's death and everything, but I don't know. But yeah, he's been really stressed out and like hyper-sensitive for like the past 2-3 months.
- Q. Other than Abraham, is there anybody else that you think he may have confided in?
- A. Hmm-mm.
- Q. Are you still dating Byron?
- A. Yeah, but it's, I don't, yeah. Well I guess you could say that, but his attitude's kind of, I don't really know what to think. Like I said, we've been fighting all the time, he's like hyper-sensitive, he constantly thinks I'm like out with somebody else, or I'm like lying to him or stuff like that. So, I guess technically we're still together, but I'm really not sure about all this.
- Q. What's your address Kelly?
- A. [REDACTED]
- Q. That's Lenexa, right?
- A. Mmm-hmm. Lenexa, yes.
- Q. And your telephone?
- A. [REDACTED]
- Q. Your social security number?
- A. Uh, don't know that one. Well when I go to like a job interview, I usually have my card on me.
- Q. You're 15 years old?
- A. Mmm-hmm.
- Q. What's your date of birth?
- A. 10-18-82.
- Q. Would you have any objections to take a lie detector test to verify your truthfulness with me?

- A. Yeah.
- Q. Yeah, you object, or yeah you would?
- A. What? Yes, I would take it.
- Q. So you would have no problem with that at all?
- A. Hmm-mm.
- Q. You think your parents would mind?
- A. I don't see why.
- Q. Let me ask you just, if you'll just give me some yes and no answers.
- A. Okay.
- Q. Just kind of summing up this little interview that we've had, okay?
- A. Okay.
- Q. And your name is Kelly Moffett?
- A. Yes.
- Q. You live at [REDACTED]?
- A. Yes.
- Q. Were you with Anastasia when she was killed?
- A. No.
- Q. Is your telephone number [REDACTED]?
- A. Yes.
- Q. Do you know for sure if Justin killed Anastasia?
- A. No.
- Q. And you are 15 years old, correct?
- A. Yes.

- Q. Did Byron kill Anastasia?
- A. No.
- Q. Today is Saturday, isn't it?
- A. Yeah.
- Q. Is there anything else at all that you can think of?
- A. No. Well, are you going to get Byron in here and question him?
- Q. Do you think Byron will come in?
- A. No. I doubt it. Do you think it would be a good idea for me to talk to him and get him to try to come in or something?
- Q.                   my microphone on like that? I tell you, this has been a bad day for me. Is your name Kelly Moffett?
- A. Yes.
- Q. Were you with Anastasia when she was killed?
- A. No.
- Q. Do you live at [REDACTED]
- A. Yes.
- Q. Did Justin kill Anastasia?
- A. No.
- Q. Is your date of birth 10/18/82?
- A. Yes.
- Q. Did Byron kill Anastasia?
- A. No.
- Q. Is your telephone number [REDACTED]?
- A. Yes.

- Q. Again, do you think that Byron would come in and talk to me then?
- A. I doubt it. He'd have to have, I don't know. He's just convinced that like you're going to try to get him on something whether it's like his probation or something.
- Q. But you think that Byron is hiding something?
- A. Yes. Honestly, I do.
- Q. And how long has it been since you've had these feelings that he is hiding something?
- A. Like when did it start?
- Q. Yeah. When did you start suspecting that Byron knew something, more than what he was telling?
- A. Probably when his correspondence with Mr. WitbolsFeugen started. Just his attitude about the whole thing was just really not nice at all. Just really defensive and snotty and just bad. That's when I started, you know, like hey wait a minute.
- Q. Have you tried to bring the subject up with him, the death of Anastasia?
- A. Mmm-hmm.
- Q. And the death of Justin?
- A. Mmm-hmm.
- Q. And will he talk about it with you?
- A. No. All that he'll talk about is like casual things that have happened, memories, things like that. But, no. As far as exactly what happened, he won't tell me anything.
- Q. But you don't think he's going to hurt you?
- A. I don't think so. Well, my dad said, warned me, people and desperate measures and things like that, but I, I doubt it. I can't imagine.
- Q. Do you think he'd hurt himself?
- A. Yes. I do, honestly. Especially since now I'm starting to feel that they were all going to commit suicide together and Justin had told me on various occasions that if we break up that he will kill himself. So.

- Q. Byron's told you that?
- A. Yes, Byron has. That's also one of the things that has been bothering me.
- Q. Do you know of anybody else that might have some information about these, this suicide pact that may or may not exist?
- A. God, I don't. Okay, Abraham. Possibly Tara, but they don't talk anymore. I really don't know. I'm not over at his house that much. So. Like when we're together, it's usually me and him, me him and Abraham or me, him and my friend Carol, so really don't know. I know that he knows people that hang around at Westport coffee houses and stuff like that, but.
- Q. But you, other than Abraham, probably wouldn't know of anybody then that I might be able to go out and talk to that would be able to confirm or anything about this?
- A. Hmm-mm. I know he has, like I said, he has people he hangs out with down in Westport, but I don't know like names or numbers or anything like that.
- Q. Anything else at all that you can think of?
- A. No. Not really.
- Q. If you do think of something else, or if you do hear something, would you please call and let me know?
- A. Yes.
- Q. End of interview.

Sgt. Gary M. Kilgore #18