



Byron Case

Case Overview Leading up to Arrest

Who is Involved?

- The relationship between fiery 17-year-old Anastasia WitbolsFeugen and her boyfriend, withdrawn 19-year-old Justin Bruton, is described by the couple's friends as stormy.
- Their close friends, rebellious 15-year-old Kelly Moffett and her darkly-dressed boyfriend Byron Case, age 18, became an item during the same period of time.



Kelly Moffett



Byron Case



Justin Bruton



Anastasia WitbolsFeugen

Their History



Three of the teens have diagnosed forms of depression. Anastasia does not, but has deliberately injured herself and talked about ending her own life. Anastasia's mother considers their struggles with depression "the glue" holding the four together.



Anastasia spent the summer of 1997 living with Justin in his Kansas City, MO condominium. As their relationship began falling apart, she moved out and went to live with her father. Justin stopped attending university classes.



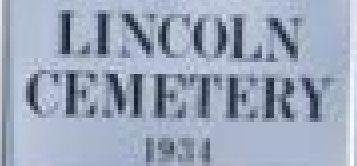
They continued seeing each other, off and on, even though Anastasia did not have her own car and Justin lived forty minutes away.

October 22, 1997 – Group meets for last time

- After weeks of argument, Anastasia convinces Justin to pick her up and discuss their failing relationship. Justin stands her up.
- After waiting for hours, Anastasia calls Justin's condo from a payphone near her house, where she got a ride from her stepmother. Justin tells her he is playing video games with Byron and Kelly but agrees to meet her after all.
- Byron and Kelly are in Justin's backseat when he picks Anastasia up. An argument begins immediately. Anastasia gets out of the car at the stoplight at I-435 and Truman Rd. She storms off in the direction of her home.
- Justin lets her go. He returns to his condo with Byron and Kelly. They run an errand for a mutual friend, then Justin drives Byron and Kelly to their homes.

October 22, 1997 – Discovery of Anastasia's Body

Anastasia's body found by
Sheriff's deputy in Lincoln
Cemetery at 3:44 AM

A white rectangular sign on two white posts, standing in a grassy area. The sign has the text "LINCOLN CEMETERY" in large, bold, black capital letters, with "1934" in smaller black capital letters below it. The background shows a line of green trees under a clear blue sky.

LINCOLN
CEMETERY
1934

October 23, 1997 – 9 AM

- Justin calls Byron:

"I had trouble sleeping," Justin says in a short phone call to Byron. He asks if Byron wants to meet for breakfast. Byron was on the phone with Kelly until midnight and wants to sleep in.



October 23, 1997 – 10:30
AM

- Justin purchases shotgun at Kansas gun store
- Anastasia's body not yet identified by Medical Examiner



October 24, 1997

- In the early afternoon, Justin's body was found behind an abandoned warehouse located at 9800 Sunflower Road, De Soto, KS 66018
- Justin was lying with his back to the wall, one ankle crossed over the other, with the Remington shotgun at his side, and fatal gunshot wound to his head

http://freebyroncase.com/what-went-wrong/documents/justinbruton/JB_OffenseReport_102597.pdf

October 24, 1997

- Byron interviewed
- Kelly interviewed

<http://freebyroncase.com/the-case/moffett-kelly-97-10-24-jcsd.mp3>

- Byron's audio interview and Kelly's audio interview transcribed

[http://freebyroncase.com/documents/byron/statement01/byron statement 01.pdf](http://freebyroncase.com/documents/byron/statement01/byron%20statement%2001.pdf)

[http://freebyroncase.com/documents/kelly/statement01/kelly moffett statement 01.pdf](http://freebyroncase.com/documents/kelly/statement01/kelly%20moffett%20statement%2001.pdf)



October 24, 1997

- Businesses near I-435 and Truman Rd. canvassed by Sheriff's deputy
- Don Rand, a mechanic at the Amoco on the corner, identified the photo they showed him of Anastasia as being of the girl he saw get out of a car at dusk on October 22, 1997. Mr. Rand's report corroborated the information Sgt. Gary Kilgore gathered from Byron and Kelly earlier that day.
- Strangely, Sgt. Kilgore conducted dozens of audio interviews, even from people who had only heard rumors. Why was this critical witness, who identified Anastasia from a photo, never interviewed at the Sheriff's Department, nor on tape?



October 31, 1997

- Abraham Kneisley, timeline witness and group's friend, interviewed

- Audio interview transcribed

http://freebyroncase.com/what-went-wrong/documents/statements/kneisley_10-31-97.pdf



- First, Sgt. Kilgore reveals that the Sheriff's Department is beginning to stereotype Anastasia's friends, kids who wear black clothing, dye their hair, have "weird" interests, and are somehow "bad" people.
- Second, Sgt. Ron Kellogg gives Abraham information about the investigation and suggests a suspicion of Anastasia's goth friends. Sgt. Kellogg reveals that another friend of Anastasia's said upsetting things about Abraham.
- After the interview, Sgt. Kellogg arrests Abraham for a traffic warrant, damaging trust with a key timeline witness. Abraham later confronts the friend who accused him. Anastasia's friends divide into two camps at this point: those who support Byron and those who are against him.

November 20, 1997



- Kelly interviewed again by Sgt. Kilgore, driving route taken October 22, 1997
- Kelly's mother, Debra Moffett, attends as well and answers timeline questions
- Audio interview transcribed

http://freebyroncase.com/documents/kelly/statement02/kelly_moffett_statement_02.pdf

- Sgt. Kilgore's questions are open-ended.
- Kelly cooperates, sounding comfortable and confident, relating many details along the way.
- There is no indication that Kelly is confused or fearful.
- Mrs. Moffett verifies Kelly was home before her 9:15 PM curfew on October 22, 1997.
- Sgt. Kilgore later attempts to replicate this interview, without success.

- Byron upset with Anastasia's father, Robert WitbolsFeugen
- Byron e-mails Robert to "stop making accusations" because "we are cooperating with police"
- Context is important for understanding relationships and the choices people make at different points in time.
- Robert and his friend Patrick Rock began posting various theories and sideways accusations on their "memorial website," stasia.org, shortly after Anastasia's death.
- Robert and Patrick are also personally investigating Anastasia's friends. They believe Byron knows more than he is telling the Sheriff's Department.
- Byron is increasingly concerned about the website's content. Friends of Anastasia's are spreading rumors, and he's recently had his tires slashed.
- Byron's father is also seriously ill and hospitalized at this time.



December 21, 1997

December 24, 1997

- Byron's father, Dale Case, dies in the hospital
- Evelyn Case, Byron's mother, e-mails Robert and tells him about Dale's death. She asks Robert to stop sending her son "hate" e-mails.

January 24, 1998

- Robert informs Byron "memorial website" is intentionally provocative due to "web of silence surrounding Anastasia's death"
- Sheriff's Department investigators are chasing "goth cult" conspiracy theories.
- Robert questions Byron's friendship with Anastasia and Justin, saying, a "true friend" would not have let Justin leave her on Truman Rd.
- Justin's suicide left Byron to absorb the blame for Anastasia's death.
- Robert and Patrick e-mail Byron many times between late 1997 and early 1998. Patrick takes the "good cop" role during their questioning.
- Byron answers Patrick's questions about October 22, 1997, in several different e-mails during this time frame.

May 1998



Kelly initiates correspondence with Robert



Kelly claims she has severed all ties with people who knew Anastasia and Justin. However, she is still dating Byron at this time. She wants to "swap stories" with Robert, so they can help each other through their grief.

Winter - Spring 1998

Byron and Kelly
continue dating



Byron described by
those around them
as "kind" and
"supportive" to Kelly

August 20, 1998

Sgt. Kilgore requests follow-up interview with Byron

Byron says, "I told you everything I know" on October 24, 1997, voicing concern he will not remember everything

Byron does not close door to interview

Robert has brought up many theories that he wants the Sheriff's Department to look into. His main issue is the claim that he saw Byron driving along Truman Rd., leading a "caravan" of cars right after hearing a gunshot.

Robert spends weeks documenting cars he says he saw in the "caravan." Sgt. Kilgore's reluctance to investigate it makes Robert angry.

Byron is wary of the investigator's interest in him.

August 22, 1998

- Kelly re-interviewed
- Audio interview transcribed

http://freebyroncase.com/documents/kelly/statement03/kelly_moffett_statement_03.pdf

- Kelly agrees to come in and speak with Sgt. Kilgore again. She and Byron are still dating, but she stokes the theory that Byron might know more than he has said.
- Kelly again tells Sgt. Kilgore that Anastasia got out of the car at I-435 and Truman Rd., after an argument with Justin.
- Sgt. Kilgore's theory is that "something more" than Byron claims was said when Justin called Byron early on October 24, 1997. Kelly agrees.



January 15, 1999

Byron and Kelly break up



January 19, 1999

- Kelly calls 911 claiming Byron is suicidal over their breakup
- Police take Byron from his apartment to Western Missouri Mental Health for 24-hour observation

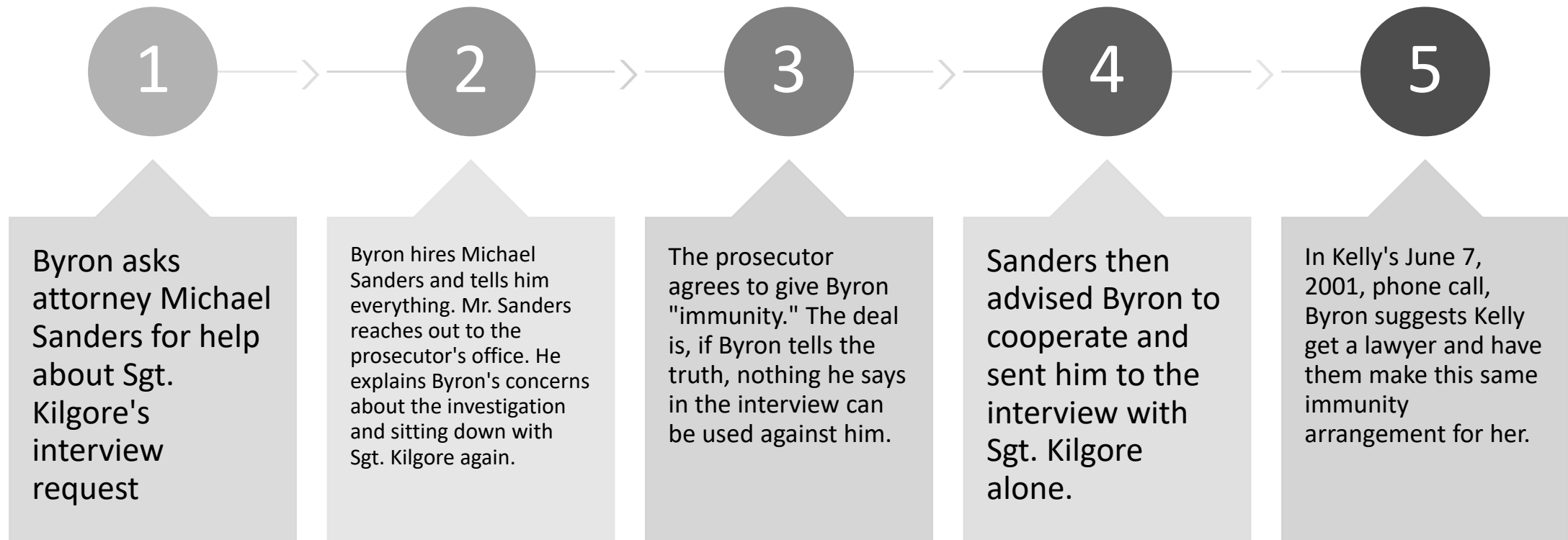


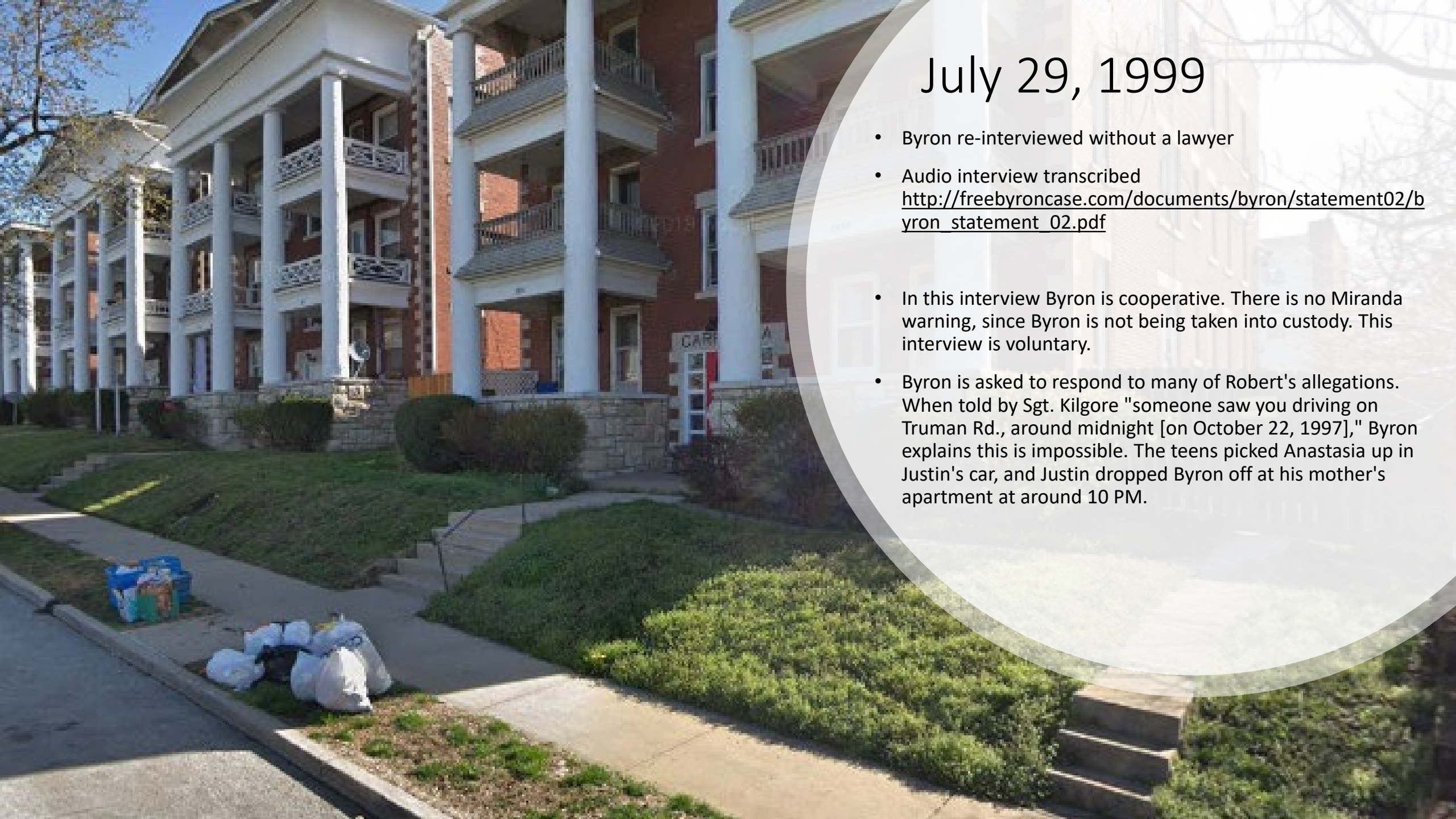
April 10, 1999

- Debra Moffett reports Kelly broke up with Byron and was in mental health facility
- Debra says Kelly "coming to the realization that Justin killed Anastasia" but would not lie to protect Byron
- Debra is a central figure in this story. Kelly was her middle child. Kelly was rebelling as early as middle school. She experimented with drugs and alcohol. During her freshman year in high school, Kelly was diagnosed with bipolar disorder and was prescribed medication for it.
- Kelly met Byron, Justin, and Anastasia at a coffeehouse in Kansas City, Missouri.
- Kelly and Byron began seeing each other and, after the relationship was discovered and forbidden by her parents, Kelly ran away. She moved into Justin's condo, where Anastasia also lived.
- Soon, Kelly's parents decide to let her date Byron. They embrace Byron instead of pushing him away. He spends many hours at the Moffett home over an 18-month period. Debra thinks Byron is "good for her" (Kelly).
- After Kelly and Byron break up, she drops out of school and her drug use escalates.



February 8, 1999





July 29, 1999

- Byron re-interviewed without a lawyer
- Audio interview transcribed
http://freebyroncase.com/documents/byron/statement02/byron_statement_02.pdf
- In this interview Byron is cooperative. There is no Miranda warning, since Byron is not being taken into custody. This interview is voluntary.
- Byron is asked to respond to many of Robert's allegations. When told by Sgt. Kilgore "someone saw you driving on Truman Rd., around midnight [on October 22, 1997]," Byron explains this is impossible. The teens picked Anastasia up in Justin's car, and Justin dropped Byron off at his mother's apartment at around 10 PM.

1999 - 2000



Kelly drops out of high school



Kelly addicted to crack

An aerial photograph of St. Louis, Missouri, taken at dusk. The Gateway Arch is the central focus, a large white parabolic structure spanning the Mississippi River. In the foreground, the Missouri State Capitol building is visible on the left, featuring a prominent green dome. To the right, a brick building with the words "THE INTERNATIONAL BUS EXCHANGE" is visible. The city lights are beginning to glow, and the sky is a deep blue. The text "September 13, 2000" is overlaid in the center in a large, white, sans-serif font.

September 13, 2000

Byron moves to St. Louis

September
17, 2000

Kelly tells her parents "Justin killed Stasia"

Kelly admitted to drug treatment

Kelly claims that she witnessed her friend's murder and tells her drug counselor at the Mainstream Women's Center that Byron shot Anastasia.

Kelly's parents are called. They hire a lawyer.

Attorney John O'Connor contacts the prosecutor and asks for "transactional immunity." He tells the prosecutor he has a witness who might have committed a crime and wants to come forward, in exchange for a promise she won't be prosecuted.

September 19, 2000



Kelly enters prosecutor's office under promise of immunity



Sgt. Kilgore not invited to meeting



Prosecutors make no effort to vet this potential witness. She is not subjected to a polygraph, nor is her mental health history examined. There is no interview with Kelly's parents to determine how her mental health and addiction issues might taint her credibility.



After Kelly and Mr. O'Connor meet with prosecutors, Sgt. Kilgore is called and informed of this development in the case. They instruct him to re-interview Kelly.

September 21, 2000

- Kelly re-interviewed

<http://freebyroncase.com/the-case/moffett-kelly-00-09-21-jcsd.mp3>

- Audio interview transcribed

http://freebyroncase.com/documents/kelly/statement04/kelly_moffett_statement_04.pdf

- The tone of this interview should be compared to the tone of Kelly's original statement on October 24, 1997.
- There are no facts given in this September 21, 2000 statement that only a witness to Anastasia's death would know.
- Kelly gives no independent corroboration for her story. There is no evidence that Byron's father ever owned a rifle or shotgun.
- Kelly is not able to tell Sgt. Kilgore the location where Anastasia was killed, and she provides some information that he knew, or should have known, was untrue. (Such as her saying that Justin never bought a shotgun on September 27, 1997, even though federal records prove he did.)



September 22, 2000

- Kelly re-interviewed (Day 2)

<http://freebyroncase.com/the-case/moffett-kelly-00-09-22-jcsd.mp3>

- Audio interview transcribed

http://freebyroncase.com/what-went-wrong/documents/kelly/kmoffet_supplementary_9-22-00.pdf



- In this interview, while Sgt. Kilgore drives them around Kansas City's greater metropolitan area, Kelly is uncertain about every aspect of the facts.
- Kelly cannot identify the location of Anastasia's death. If Sgt. Kilgore hoped to visit Lincoln Cemetery and do a re-enactment, that idea was quickly abandoned.
- Did Sgt. Kilgore discuss the quality of this interview with prosecutors?
- Did the prosecutor instruct him not to transcribe this audio interview?
- Why didn't this interview raise red flags?
- Was Sgt. Kilgore taken off the state's list of witnesses because a competent defense attorney would use him to impeach Kelly?

Kilgore installs tape recorder on
Moffett family's telephone

December 5, 2000



June 5, 2001

- Kelly records 11:30 PM call to Byron, accusing him of killing Anastasia

<http://freebyroncase.com/the-case/moffett-kelly-01-06-05-tape.mp3>

- When she makes this phone call, Kelly is at home. Her reasons for trying to call Byron at this particular moment, so late in the evening, are not clear.
- Byron is sick with a high fever (103° F) and strep.

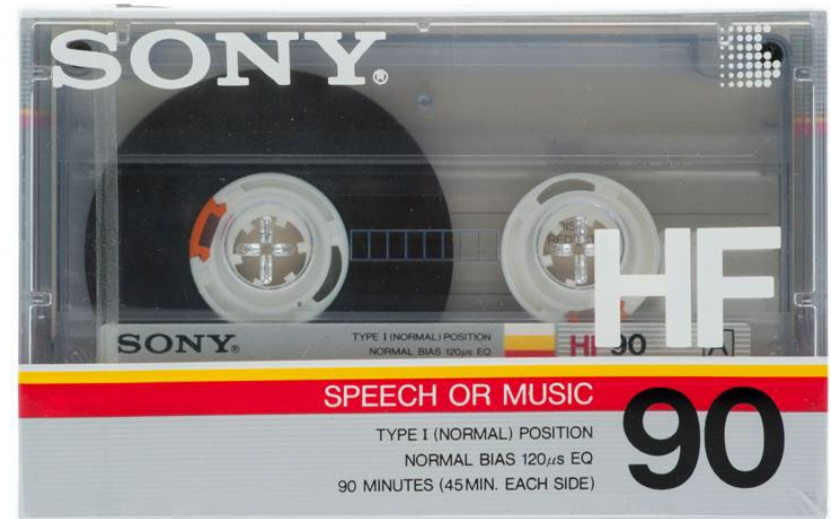
<http://freebyroncase.com/the-case/case-byron-01-06-05-ku.pdf>

- Twice during the calls, Kelly mentions that Robert has been calling her, "And you know how disturbing he can be."
- She then lies and says the police have called her "a bunch," that they are "hounding" her, and that they called her in rehab.
- She complains that she has been a drunk and drug addict for years, and that her memory is not very good.
- Byron introduces the concept of "immunity." He tells her he went to a lawyer to discuss whether or not to re-interview with Sgt. Kilgore. "I told them everything," he says. "I told my lawyer that I wasn't going to remember things."
- Kelly grows hysterical when he offers her commonsense ways of handling the situation.
- He agrees to meet and talk with her. He does not ask to meet, she asks to meet with him.
- There is no urgency on his side of the conversation.
- He does not offer to review any "story" with her.



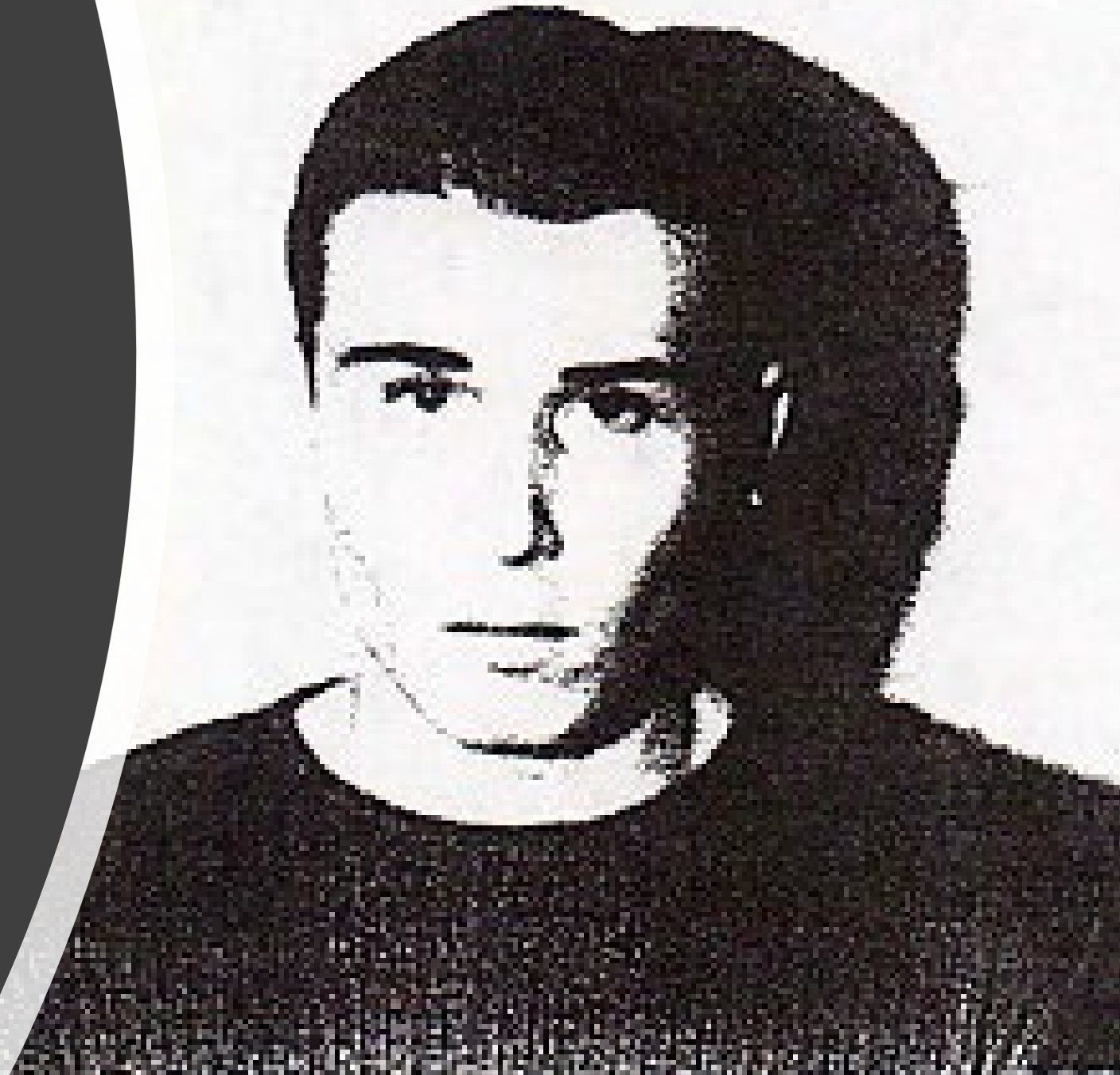
June 8, 2001

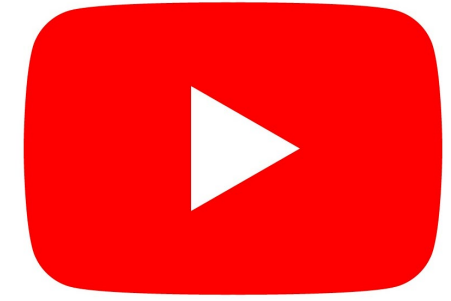
- JCDF assigned to supervise second call from Kelly to Byron
- The Jackson County Drug Task Force is asked by the prosecution to set up a controlled call between Kelly and Byron.
- What is the purpose of the second recorded call?
- What instructions do the two detectives give Kelly before she places this call?
- At the time of the call, the JCDF are set up outside Byron's home, waiting to arrest him.
- The call does not produce an admission, and police do not arrest him as they were hoping to.
- Byron is not concerned about seeing Kelly. He is actively avoiding a meeting. He tells her about the doctor's diagnosis of strep, and she says she is not worried about that.
- He asks, "If you waited this long, why is it so urgent now?"
- He tells her, "The best advice I can give is to begin everything with 'I think' or 'I don't remember.'" There is still no effort to walk her through a "story."
- Kelly presses the point, saying, "They're making me read stuff that I said a long time ago. I know we said she got out of the car, but I don't recall the street."
- Once he hears they provided her old statements to read, Byron asks, "So what's the problem?"



June 11, 2001

- Byron arrested in his home
- Charged with first-degree murder





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