

The following is an interview with Kelly Moffett. The interview was conducted on September 21, 2000 starting at approximately 1305 hours. The interview took place at the Mainstream Women's Center located at 13900 Kryder Rd., Bonner Springs, Kansas.

Q. Would you state your name, please?

A. Kelly Moffett.

Q. Your date of birth, Ms. Moffett?

A. 10/18/82.

Q. And where are you currently residing?

A. Here. But I will be living at my parents' house when I get out.

Q. Okay, so you're staying at Mainstream Women's Center?

A. Yes.

Q. Do you stay here full time?

A. Mmm-hmm, yeah.

Q. You and I had a brief conversation prior to turning the tape recorder on. And I did inform you that we had been in touch with the juvenile authorities and also the State Prosecutor's Office, Bill Jackson, the juvenile prosecutor, Bob Beard the State Prosecutor, and I did inform you that both have agreed to immunity from prosecution regarding the death of Anastasia WitboisFeugen.

A. Mmm-hmm.

Q. I informed you of this, correct?

A. Yeah.

Q. I understand that the times that you and I have previously talked, that you were not entirely truthful with me.

A. Yeah.

Q. That is correct?

A. Yeah, that's correct.

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- Q. Okay, and you are now willing to be truthful with me?
- A. Yes.
- Q. Do you know how Anastasia died?
- A. Yes, I do.
- Q. Would you go ahead and tell me what it is that you know about that?
- A. Okay. Where shall I start, just anywhere, anything? Well, I'll start with what I know.
- Q. Okay.
- A. Because I'm not still . . .
- Q. Okay.
- A. Uh, I guess it started with Anastasia and Justin. Well you already knew that. They used to break up and get back together all the time. And they had been going through like a really hard time. Justin was doing acid, and stuff all the time, and they were fighting. And I guess it was probably a week or so before she got murdered, they had gotten into a huge fight and he'd asked her to move out.
- Q. Anastasia and Justin?
- A. Yeah. Anastasia and Justin. And they got in a huge fight and he had asked her to move out. And so she moved out. I think she moved back in with her dad, one of her parents. I think it was her dad. And after that she was kind of, Justin was getting upset because she was calling him constantly and showing up at his apartment and everything. And him and Anastasia, Justin and Anastasia, had had plans at one point, because Justin's parent were so wealthy and he didn't get along with them. They were going to go rob them. And that didn't work out. They had, I guess they had it planned out or whatever. I never saw a weapon or anything.
- Q. Did they attempt to rob Justin's parents' house?
- A. No. As far as I know, they decided to, they started to drive down there to Tulsa, Oklahoma to his parents' house and they ended up kinda chickening out and turning around and coming back home.
- Q. And when was this taking place?
- A. Oh, probably, I don't know, a couple weeks before she died. Before she moved out anyway. That was like their plan.
- Q. Okay, so she never went to . . .

- A. No. They got, him and, Justin and Anastasia got in the car to drive down there, and then ended up turning around. So that was kinda one of Justin's weird plans for things like started.
- Q. Did they discuss any of this plan to rob his parents house with you?
- A. Not with me, like in front of me. They were kinda talking about it. But nobody really took it seriously.
- Q. Nobody being?
- A. Me and Byron and even Justin was kind of a, you know, it was like wouldn't it be cool if we could, you know, get money from my parents and stuff like that?
- Q. But no details?
- A. No.
- Q. Okay.
- A. He just said that he knew their schedule and stuff so it would be easy. Let's see, so that's how like his kinda weird plans or whatever started. The day, I hadn't really talked to them for a while, or at least not Justin and Anastasia together, since I was at school, you know. Byron and Justin were always together, but I wasn't really there all the time. Like I said, I knew him and Anastasia were having like big problems. They were constantly fighting, she was constantly calling him. On the day that she was murdered I had been like at school all day and when I got home from school, I don't know what time it was, probably between 4:00 and 5:00, Byron called me. I think it was Byron. Yeah, it was. And he called my house and said that they were going to come get me. And I just figured it was like a normal day like we were going to go hang out. And when I got in the car with them, they asked me if I would help them with something. And I was like, well what? And Justin's like, well you know I've been having like a really hard time and he goes, who's the person who's like the biggest pain in my ass right now? So I said, your parents? And he was like no, they're in Tulsa, you know, they're not that big of a problem. So I was like Anastasia? And he goes yes. And he said wouldn't my life be a lot easier if she wasn't like around. So that's how like all that talk started. And . . .
- Q. And where were you when this conversation was taking place?
- A. In the car with them driving around. They had come and picked me up.
- Q. Justin's car?
- A. Yeah. In Justin's car. With him and Byron.
- Q. And you guys were just driving around talking about this?

- A. Well they, he was saying all this as we were on the way to a gas station where they wanted me to call her and ask her to meet her, meet them, at Dairy Queen. But she knew that it was all three of us. And when I called her, you know, they said that they, he was going to get her out there and break up with her and all this.
- Q. Did you call Anastasia?
- A. Yes, I did.
- Q. From where?
- A. From the Kick 66 gas station in Lenexa, Kansas. It's off of I believe it's 83rd, no 87th and Quivira.
- Q. And about what time was this?
- A. Between 4:00 and 5:00 I'd say.
- Q. Okay. And your conversation with Anastasia was what?
- A. It was just, it wasn't long. I just called her and said did Byron and Justin say you were going to meet up with them today? And she's like yeah, where am I supposed to meet you guys? And I just said the Dairy Queen.
- Q. Okay, so she had already made arrangements . . .
- A. Yeah. Yeah, she'd talked to them on the phone earlier that day. But I'm pretty sure, they were like, wanted me to make the phone call probably you know, so if she told somebody, yeah Kelly called and we're going to go meet up at Dairy Queen, something like that. Because, and so after that they were talking about how he did, they did say that they were going to shoot her.
- Q. How did that come about, you're sitting there listening to two people plan a murder, did you have questions?
- A. Yeah, basically I was like . . .
- Q. What did you say?
- A. I said, well I didn't really think that they were going to do it. Because like I said the whole robbery thing and stuff before. But it was just kinda him saying, you know, that he was just, well Justin was really depressed anyway, him just saying that everything will be a lot easier if she was like out of the way and all this and it was also, they kinda had like, Justin had always said that he just kinda wanted to kill somebody just to, I guess, to have done it in his lifetime or something like that. And Byron agreed to it, you know.
- Q. To killing somebody, or specifically killing Anastasia?

- A. Uh, I heard them talk about like kinda having like the morbid curiosity wanting to kill somebody before, but this time it was specifically her.
- Q. Okay, and you said, when they were talking about this, you said what?
- A. I was like, you guys are, you guys are nuts. I was like, you're really not going to do this. And it was just so stupid because it was broad daylight, I had just gotten off school. It was like a weekday and everything. I was like, you guys don't even, I mean, it just seemed ridiculous, you know. And also they had, when I got in the car they had a bottle of Jack Daniels so they'd been drinking. And they'd been just kinda brooding with each other all day I guess about this. Or just about something, anything.
- Q. Did you see a weapon?
- A. Huh-uh, no.
- Q. Have you ever seen a weapon?
- A. Uhm, the only weapon I ever saw was, I knew at Byron's dad's house, but I didn't think Justin ever had one or anything. But I knew at Byron's dad's house there was like a hunting rifle, like a shotgun of some sort that was up on the wall at his dad's house.
- Q. If memory serves me right, when you and I talked in the past you told me about a shotgun that Justin owned.
- A. That Justin owned?
- Q. Mmm-hmm.
- A. No. That must have been just part of the story. Cause I never saw him with one.
- Q. Never saw one that he had purchased out at Bannister Mall?
- A. No.
- Q. Okay.
- A. I didn't.
- Q. You never saw that?
- A. No.
- Q. So this telling me about the shotgun in the past was just fabricated?
- A. Yeah.
- Q. Why did you tell me that?

- A. Because at that point in time me and Byron thought it would just be easier if somebody thought, you know, Justin had done it. And since they, they had told me that they had him on camera buying the shotgun, you know, that kinda went along with it.
- Q. Okay. Okay, so you're still in the car and they're talking about killing Anastasia.
- A. Yeah. Mmm-hmm.
- Q. And any more conversation about that?
- A. Just that Justin was saying that they were talking about who was actually going to do it and Justin said that he didn't think that he could actually do it. So he asked, Justin was all, it was just weird. You know, he was like going to do it, but then he wasn't, and he asked Byron if he would do it. And also because, I don't think Justin had ever shot a shotgun or anything before. I don't know if they practiced or whatever, but I wasn't with them like the two days before that since I was in school and everything. But so they decided that Byron was going to do it. And then I just thought, you know, that was ridiculous, because what did Byron even have to do with it, you know? He knew Anastasia, he went to high school with her and everything, but it just seemed, you know.
- Q. Okay, did they talk about how they were going to do it?
- A. They just, they said that they had the gun in the trunk and that he was going to pop the trunk and shoot her. But they didn't. . .
- Q. Who did you hear say that?
- A. Byron said it.
- Q. And he told it to you?
- A. He, yeah, he said it. Like to all of us. They were, I was like well how the hell are you going to do this? It was like broad daylight. He's like well I don't think it would take very long and it's in the trunk. I was like, you know, you don't even know how to shoot a gun, or anything. And he's like well, I used to go like hunting with my dad or something like that. So. I'm not sure, like how that happened. So, we ended, we drove out to go get her, picked her up, you know. She got in the car.
- Q. You drove out to where?
- A. To the Dairy Queen. I don't know which road it was on, but, the one across the street from Mt. Washington.
- Q. Do you remember about what time this was?
- A. Not really. I don't know.

- Q. Okay, when you arrived at the Dairy Queen, what did you guys do there?
- A. She just got in the car.
- Q. Okay. Did any of the three of you get out of the car?
- A. I can't remember. I didn't. I think maybe, I think Byron ran in to get her out of the Dairy Queen. But I'm not sure. We just pulled up and she was sitting inside. I think maybe he did, but I don't remember.
- Q. Do you remember what she was wearing?
- A. No. Not anymore I don't. I'm sure probably just jeans and like a t-shirt or a sweatshirt, that's usually what she wore.
- Q. So you guys are parked out in the Dairy Queen parking lot. . .
- A. Mmm-hmm.
- Q. . . . and Anastasia gets in the car.
- A. Mmm-hmm.
- Q. Where was everybody sitting at this point?
- A. Uhm, Justin was driving. Anastasia got in the passenger seat.
- Q. Front.
- A. Yeah, front passenger seat. I was in the back passenger seat and Byron was behind Justin.
- Q. Conversation? What was said?
- A. Uh, just you know, she gets in the car. Small talk. Hi, all this stuff. And she was bitching, she was like Justin, you're late, you're always late, all this. We were just kinda, then Justin said they needed to talk and everything. And we drove across the street to Mt. Washington Cemetery cause I think they like, they used to go out there. I'd only been out there with them once or twice, but you know kind of a park and everything. So they'd drive out there. Then Anastasia was kinda upset because he's like I need to talk to you and she's like well then why did you bring them? You know. She's like, she was kinda like embarrassed that he wanted to talk about the relationship in front, I guess, of me and Byron. So we were driving around, just kinda driving aimlessly, it was like they had no spot that they knew where they were going to do this or anything.
- Q. Now this is, you're still in Mt. Washington Cemetery?

- A. Yes. We're still in Mt. Washington Cemetery. So we're driving around. They're kinda bickering and stuff the whole way. Me and Byron are sitting in the back of the car drinking. Uh, and I don't know how long we drove around in there, and so finally I go, we exited the cemetery, but . . .
- Q. Before you exited the cemetery, did you come into contact with anybody?
- A. Oh, I think we saw the groundskeeper guy, like in his car or something. I don't remember really.
- Q. Did you guys stop anywhere?
- A. Uhm, I think they stopped the car a couple of times, but no we didn't go out and like walk into the woods or anything.
- Q. Did anybody get out of the car?
- A. I don't think so.
- Q. Even briefly?
- A. Actually I think maybe Justin and Anastasia got out for a little bit.
- Q. Do you remember where?
- A. It was at a mausoleum of some sort, something I think. They got, I think, I can't remember, shoot. Well, I mean it was just briefly, got out of the car, just kinda walked around a little bit, but it was like out of the car, kinda got out, looked around, walked around a little bit got back in the car.
- Q. So they were out of the car for a few minutes?
- A. Yeah.
- Q. And did you and Byron have any conversation while they were out of the car?
- A. No, not really. I was just like, you know, this is ridiculous blah blah blah, you know. You guys aren't really going to do this. I asked them if they had like planned it for a while. And he said that they had been like talking about it and I was just like, well I was like hopefully you know, they'll just break up and it will be over. So, but I can't really remember like exact conversation about it.
- Q. Well, prior to that particular day, did you know anything about them talking about doing this?
- A. No.
- Q. So that was the first you heard of it?

A. Yes. Mmm-hmm.

Q. Okay.

A. They always kinda had weird schemes and stuff like that. That's why it seemed so ridiculous cause it was just like it came out of nowhere for this. Cause like I said, probably just a week or two prior to that, Justin's little thing had been that they were going to rob his parents.

Q. So they did get back in the car.

A. Mmm-hmm.

Q. And you exited Mt. Washington Cemetery?

A. Mmm-hmm.

Q. Where did you go from there?

A. Uhm, they were just driving around, kinda looking for a park or some kind or place where they could talk or whatever, but I mean it was still light outside basically and everything. And somehow they ended up in the little cemetery where she was shot. I don't really quite remember where it was and everything. But I guess it was kinda like Justin and Byron kinda looked at each other when they pulled in there, I guess. It was like, but it was still right by a street and everything.

Q. Did you go anywhere else before you got to that location?

A. I don't think so.

Q. Okay, you don't think so.

A. I don't really recall. I mean, I think they were just kinda driving to a park.

Q. Did you go to anybody's house?

A. No.

Q. Did you stop and talk to anybody?

A. No.

Q. So there was just constant just driving around looking until you get to this point.

A. Yeah.

Q. Lincoln Cemetery was where she was shot.

- A. Okay. Yeah. Then we got there.
- Q. Okay, am I understanding you correctly?
- A. Yeah.
- Q. Do you remember which street you pulled into from to get into the cemetery?
- A. No.
- Q. Do you know the streets that border Lincoln Cemetery?
- A. Hmm-mmm, no, I don't. I know that there was a kinda a street by some residential stuff like out on the way that you got out of it, but.
- Q. Okay. Okay, so the entrance that you pulled into, that you guys drove into.
- A. Mmm-hmm. I think it was a back entrance to it somehow.
- Q. Could you describe that to me?
- A. No. Not really.
- Q. I mean, was it on a hill, was it a straight a way, was it curved, you know.
- A. No, I think it was, cause we didn't, I don't think, I don't think we got to it from a main street. I think it was like through some gravel thing, or something. I'm not sure, I'd probably have to see the place first to see which. Like, cause I haven't, I mean I went back there once because I knew there was a little memorial thing for her there, but that's it.
- Q. Okay, so you eventually stopped then at a location in Lincoln Cemetery.
- A. Yeah.
- Q. What happened?
- A. Justin and Anastasia got out of the car to talk, you know, like once again. They got out and they were kinda over on like the driver's side, standing there talking, just like yelling at each other.
- Q. Which, okay go ahead, I'm sorry.
- A. And yeah, so me and Byron were just kinda still sitting in the back like drinking, well at least I was. I was just sitting there drinking, kinda just like listening to them yelling at each other and everything like that. I don't know how long they were out of the car. They weren't out of the car very long.

- Q. Was it still light, or dark?
- A. I think it was starting to get dark. I don't, I mean it wasn't like pitch black, but I know it wasn't like complete daylight. Cause I remember, think I remember seeing a, headlights and stuff from cars like passing on the street by there. So they're out of the car talking, fighting or whatever, and . . .
- Q. Could you hear anything being said?
- A. Yeah. It was just basically her telling him to bug off, just like argument. Earlier in the car she's taken off this ring he gave her and threw it at him and all this stuff. And he was just telling her to like calm down and she was just you know, telling him, she's like, I can't believe you're not emotional about this, just that kinda stuff.
- Q. Do you know what happened to that ring?
- A. Hmm-mmm.
- Q. Okay, go ahead.
- A. So we're just sitting back there and Byron tells me to stay in the car. And he got out of the car. He pushed Justin's seat forward or got out. And so he gets out of the car. This all happened in a matter of probably, I don't know, like 30 seconds. It was really quickly. He got out of the car and I saw him go around to the back of the trunk and I could hear Justin yelling at him in German.
- Q. Saying what?
- A. Saying like never mind, never mind. Stop.
- Q. Okay, can you stay that in German?
- A. No. But I mean at the time I was in, that's what, cause okay. Like you'll figure out how I knew what he was saying.
- Q. That's what I'm trying to figure out.
- A. Yeah. When he got back in the car after, well okay, here. So he's saying like stop, he's saying that in English and he's saying never mind, like in German. But Byron I guess was focused on what he was doing or whatever. When he had gotten out of the car, the keys were in the ignition, so he like grabbed the keys. I could hear him, you know, like open the trunk. And got out the gun and shot her. And she was there pretty close to the car. I like saw the whole thing that happened. The whole time Justin was yelling at her.
- Q. Exactly what did you see?
- A. I saw him get the gun out, just go do a little, I don't know what he did, just the whole.

- Q. Tell me what you think he did. What did you hear?
- A. Well I don't think I heard that little, cause I could, they were still talking so much. I don't think he did the little, the little chink chink thing, but I don't, I don't think he did that. I just saw him messing with it.
- Q. What you're describing to me is like a pump shotgun?
- A. No, I'm not sure if he did that, I saw him kinda fiddling with it for a couple seconds. But he just like grabbed it out and walked around the side of the car. I think it was double-barreled, though, cause it looked like an old gun.
- Q. Which side of the car were you on then?
- A. Him or me?
- Q. Where Justin and Anastasia were . . .
- A. They were on the driver's side of the car.
- Q. Driver's side.
- A. Out of it.
- Q. And which side did Byron get out of?
- A. The driver's side.
- Q. The driver's side also.
- A. Yes.
- Q. Went to the trunk.
- A. Mmm-hmm.
- Q. And then he comes back around and you saw him . . .
- A. Cause like say, yeah. So like here's the back of the car. All he had to do was he got out, got it and then went. Cause they were still pretty close to the car. And it just all happened in a matter of seconds. He just lifted it up and shot her.
- Q. Just lifted it up and shot her.
- A. Mmm-hmm.
- Q. Where did he shoot her at?

- A. Just in the head.
- Q. Okay.
- A. Pretty close to the car.
- Q. Did you see her fall down?
- A. Yes.
- Q. How did she fall?
- A. She fell back, well it was kinda like an explosion, you know?
- Q. What do you mean?
- A. It just, I mean it just knocked her backwards, the whole thing did.
- Q. Okay.
- A. And really quickly Byron just like threw the thing in the, the gun in the trunk again, you know like opened it up, threw it in there.
- Q. Did you see her fall to the ground?
- A. Yes.
- Q. And what position did she fall in?
- A. I don't know, cause I remember I looked at that and then just kinda you know, obviously shocked, I like screamed and kinda looked away. And then I looked back and I couldn't really, I think she was on her back, just like that. I'm pretty sure it knocked her backwards. Cause I remember just kinda seeing her body on the ground like that.
- Q. Okay. And then what happened?
- A. Then Justin like freaked out. He was like oh my God, oh my God. And they got in the car, you know Byron's like get in the car, get in the car. It was real, like I said we were right by a street and everything. We jump in.
- Q. Okay, you say "we" jump in, did you get out?
- A. No, I was in the car. No, I didn't. I meant to say they jumped in. They get into the car and like I said it all happened in like a matter of seconds.
- Q. Who was driving?

A. Justin was driving.

Q. And where did Byron, where did he sit?

A. In the front passenger's seat. So they get in the car and Justin drives off and Justin's like, that's how I knew what he said in German. He was kinda freaking out. He was like oh my God, oh my God, he goes, didn't you hear me telling you to never mind, to stop? And everything like that.

Q. And Byron said?

A. He was like, no, I was concentrated on that. He goes and once you know I got out of the car, he was like what else was I supposed to do, cause he had already gotten the gun out or whatever. He was like what was I supposed to do. And Justin was just like flipped out the whole time. Like he was driving. Eventually he went to some, I don't know if it was pre-planned or not, it didn't really seem like it. He just drove up to some railroad tracks and Byron got out and threw the gun.

Q. About how far away?

A. Not very far, not very far from the railroad tracks. I think he just like chucked it.

Q. How far away from the cemetery?

A. I don't know. I don't think it was very far.

Q. Do you remember what street?

A. Hmm-mmm. No. If I saw it I would probably remember that, I'd remember what street. So when they did that, when he threw the gun out and everything, Justin was like so shaken up and everything that Byron drove. And he drove back to Justin's condo and I remember just, cause Byron seemed really calm about it. I remember Justin saying, he goes, I don't understand how you seem so calm about this, it's like you have two brains to like put it in, because he was just, we were just sitting like this, and Byron kinda seemed normal, you know. He could drive and everything. And so we got back to Justin's condo. They kinda collaborated this story. It was more Byron though. Cause like Justin was kinda incoherent, you know. He was all pale and just shaken up. And it was the story that we told you about her getting out of the car and everything. Cause it was so unplanned, they didn't even know what they were going to say happened. So they sat there and talked about that for a little bit and everything. And you know Byron's like you, are you, he kept repeating the thing over and over again. You know, being like you know, you make sure you have this, and everything. You know, to me and everything. They knew that people were obviously going to be questioned, and so finally it was getting pretty late and you know they didn't want to seem like anything weird had happened. I had to be home between like 9:00 and 9:30. So drove back to my house and went inside and Justin asked if he could use the phone. Because Byron was like well what are we going to say, you know, happened to her and all that? You know, how are we going to, he had to contact somebody. So they came in and Justin used my phone and

called her house. I don't know who he talked to though, and told her sister the story that they'd made up, that she had got out of the car and everything. And I think once again before they left, Byron came in and he was like you remember what, you know, we said and everything. And Byron made it a point to, in front of my mom say, yeah, you know, Anastasia jumped out of the car and everything, I guess made it more like believable. And they left and I didn't see them for the rest of the night. I was just like at my house.

Q. Did you talk to Byron or Justin any more that night?

A. Mmm-hmm. I talked to Byron. I didn't talk to Justin at all.

Q. About what time was that?

A. I don't remember. It was pretty late.

Q. Was this in person or on the phone?

A. On the phone.

Q. What did you talk about?

A. Just the whole thing. I don't know where he and Justin went after that. And I can't remember if I called him or he called me.

Q. Did you ask him?

A. Uh-huh. He said they went back to Justin's house. And they went over to somebody's house to drop something off, I think. I'm not sure. I think he said that they just went, but I mean I wasn't really quizzing him on where they went. So he told me that he'd talked to Justin and Justin said he was having trouble sleeping and all of this. And I don't know, Byron just didn't seem very freaked out about the whole thing. It was like he didn't really, I don't think he really understood how freaked out Justin was.

Q. Well did they stay together that night?

A. I don't think so. Cause I remember I do remember Byron saying that he had talked to Justin on the phone and Justin said that he couldn't sleep and such. And that he was having, you know, he was like basically having a like complete breakdown.

Q. Okay. Did Justin, or did Byron tell you anything about Justin talking about suicide?

A. Hmm-mmm. I think it was just kind of, no he didn't say anything that Justin had like directly said about that. He just said he was like really upset and everything like that. I think I may have asked well do you think he's going to kill himself and he was like no, probably not. I mean that always was kind of a possibility in the back of our heads, but I don't think, I don't think Justin ever came out and said anything to him about that.

- Q. When you were talking to Byron later that night, did you ask him anything like how could he do this?
- A. Yeah, yeah. Well, we were both asking, like I say, how Justin was like it seems like you have two brains. He was just, we were just kind of in shock. It's like how can you . . .
- Q. What was Byron telling you when you were talking to him later that night?
- A. Later that night? Yeah, I was like well, how did you, you know, how could you do that, or whatever? And I was like, there was really, there was like no reason for it. And he was like well, you know, once I got the gun out there was like no turning back and everything. And I was like well why did it happen in the first place? And he goes well Justin asked me to do it and you know, cause he couldn't do it, he goes, and he shouldn't have asked me to do it if like he didn't want it to be done, basically. And so, and that's when I said, I go you do realize that this makes you like a murderer? And I remember exactly what he said. He goes no, he goes, I think a murderer is someone who does not feel bad about like what they did. He was like, well I feel bad, but it already happened. So.
- Q. I'm going to go ahead and turn this tape over, okay, so we'll go off tape for just a minute. Continue on Side 2. When was the next time that you talked to Justin?
- A. I didn't ever talk with Justin again.
- Q. When was the next time after that late night conversation with Byron, when was the next time that you talked to Byron?
- A. I believe it was the next day, I went down to see my grandma with my mom. I think it was after I got back from there. I don't think I talked to him in the morning. I think I talked to him that night and that was it.
- Q. Okay. The night . . .
- A. That that happened. Yeah, the previous night.
- Q. Okay. Now you came out and talked to me the first time, I believe that was on the following Friday.
- A. Mmm-hmm.
- Q. Okay. So you talked to Byron on Thursday.
- A. Mmm-hmm.
- Q. During the day or at night?
- A. I think it was that afternoon when I got back in town.

Q. What did you talk about?

A. Just, well obviously you know, that was the focus of the conversation. I remember him talking about that they couldn't find Justin. And like he had called there and he wasn't there, everything like that. Just you know, I was like, you know freaked out, what are we going to do, you know, where's Justin? And all this. And you know, it was basically just about that. Like why, how and then I obviously asked him, I was like have you guys been planning this and everything? And he said yeah. And I said, well why did you, you know, bring me into this and all this? And he's like well I guess we needed somebody to call her and, cause you know, I didn't, I was like well why did you bring, I was kinda like you know, mad like why'd you bring me into this and everything. And I was like I can't believe you guys did that, I didn't really even think you were going to do it and I was like obviously Justin didn't really, you know, know the ramifications or know that it was really going to happen anyway. Just kinda talk like that.

Q. Did he say that he had talked to Justin that day?

A. Hmm-mmm. I don't think so. Maybe he had, but I just remember him saying that Justin was missing.

Q. Missing.

A. Mmm-hmm.

Q. Okay. Did you guys go over the story that you were going to tell the police?

A. Yeah. He had, yeah, he was like talking about that like quite a bit and everything.

Q. Now you and I went out a few days later and you know we discussed the circumstances there and the events that had happened. You and your mother went with me and I asked you to show me the path and the route that you guys had taken.

A. Mmm-hmm.

Q. Okay, you seemed pretty sure of yourself, you were telling me where to go and what you guys did.

A. Mmm-hmm.

Q. Did you go over that with Byron also?

A. Yeah, Byron, when he had said, cause I don't know Independence at all. When he said that she was, you know, where she got out of the car and everything like that, I believe, I think it was the next day or the day after, you know, when he obviously knew that we were going to have to talk to you guys, you took me out there to the spot, and he's like and this is where you know, you're gonna say that she got out of the car. Which was at that stoplight.

- Q. Okay, that would have been at Truman and 435?
- A. Mmm-hmm.
- Q. When you and I talked the first time on that Friday, you even drew me a little map.
- A. Mmm-hmm.
- Q. Do you recall doing that?
- A. Yeah.
- Q. And so then Byron drove you around showing you . . .
- A. Drove me out there saying, you know, this is where we're going to say she got out. Cause I was, that was, he was like worried about that cause I didn't know, you know, where we were, where we'd gone.
- Q. Whose car were you in?
- A. When he drove out there?
- Q. Mmm-hmm.
- A. His, I believe.
- Q. Do you remember what kind of car that was?
- A. I can't remember if he had the red car or the white car then. I think it was his white car. I'm not sure.
- Q. I have an insignia here.
- A. Mmm-hmm.
- Q. Does this mean anything to you at all?
- A. No.
- Q. Anastasia had one of these and so did Justin. Did this mean anything to them?
- A. I don't know. I've never seen that. I know they were into like pagan stuff and Egyptian stuff. But I don't know. I'd never seen that before. I've seen them have Ahnks, but.
- Q. Ahnks. What's an Ahnk?
- A. It looks like, here, can I draw it for you?

- Q. Sure.
- A. Looks like, I think it just goes like, looks like that. That thing.
- Q. Okay.
- A. I knew, I think, I know Byron had one. I think Justin may have, too.
- Q. Could you go ahead and, the best that you can, show me the position of the vehicle, of Justin's car in the cemetery and where they were standing when . . .
- A. Okay. Okay. Let's see. This is supposed to be the car. Let's see, it wasn't that far from the road, probably the road was like here. Do you want me to show like where the people are and everything?
- Q. Sure.
- A. Okay, so that's, I'm like in the back passenger seat. At first Byron was obviously sitting there. Justin and Anastasia got out. They weren't very far from the car. Let's see here. Justin was probably like there and Anastasia was there and they were talking. So Byron, you know, got out of the car, went right around there and he was pretty close to her. He just got it out, like he took a step forward or so. He wasn't like walking around a lot. He just got right out, went back to the trunk and got the gun.
- Q. How close was he when he shot her?
- A. To her or to the car?
- Q. To her.
- A. Pretty close. Probably say, here to that wall. He wasn't very far at all. He was close to her.
- Q. Okay, what you showed me was approximately 5 foot.
- A. Yeah, maybe that or a little bit over. He was close to her though. Really close to her.
- Q. Did he hold the shotgun up with the end of it to his shoulder like you would hold a rifle? Do you remember?
- A. I think. No, I don't, I just, all I saw was, yeah, it was probably up, cause all I saw was that, it like happened so quickly.
- Q. Okay. It's been almost three years.
- A. Mmm-hmm.
- Q. Why now?

A. Why am I saying something?

Q. Yeah.

A. Because, well, it just, first off I know how nuts like her family is probably going and also I mean it's just, it's just like wrong. It's like Justin said, Anastasia said, there was no reason for it. You know, Byron's still out there and it seems like he's not having any problems because of this. Whereas, you know, obviously my life's been really messed up. I'm in rehab. My life's been like completely just you know, messed up like because of this. And it's just, you know, it's just not right. It doesn't, and like I said, it just seems like it's, two people are dead for no reason and he's just like out there, you know?

Q. What do you think should happen to him?

A. Well I mean, what do I think should happen to him?

Q. To Byron.

A. I don't know. I just don't think, I mean, he certainly shouldn't be out like having a normal life or anything, cause he doesn't seem to feel as bad about it, you know, as at least I do, you know. I mean I was like involved to that point, but I didn't really, I mean I didn't really believe it was going to happen. These were just like dumb kids, you know. And I mean, he's the one that actually did it. And like I said, when I told him he was like a murderer, he's like no, I'm not. Because I feel bad. But I mean feeling bad doesn't change it, you know. I don't know what should happen to him. He should definitely go, be locked up.

Q. So you think he should go to jail for what he did?

A. Yeah. Definitely. Or there should be some type of something, you know.

Q. Okay. Who else have you told this to?

A. I told it to, well I don't know if he's really now my boyfriend, I guess my ex-boyfriend. Because he . . .

Q. What's his name?

A. His name's Jim Bingman.

Q. Jim Bingman?

A. Bingman.

Q. How do you spell Jim's last name?

A. B-I-N-G-M-A-N.

- Q. Where does Jim live?
- A. I'm not sure where he's living now.
- Q. Where was he living?
- A. At his grandma's house, with friends.
- Q. Do you know an address, city?
- A. Lenexa.
- Q. How old is Jim?
- A. He's 17.
- Q. Now or then?
- A. Now.
- Q. Okay. And why did you tell him?
- A. Just because I needed somebody to talk to about it, and he'd had a similar thing. He'd saw his dad shoot somebody when he was younger, so it was just, I remember I was basically like having a nervous breakdown I just needed somebody to talk to about it.
- Q. And how long ago was it that you told Jim about that?
- A. Probably like a year ago or so.
- Q. Okay. And you told him everything that you've told me?
- A. Not so much, not like really in detail. I just told him cause you know, he'd known about it. We'd been friends for a while and he'd known about the situation when it happened. So I finally told him. I was like you know, I know what happened. And I told him, you know, that Byron shot her and everything.
- Q. Did you ask him not to tell anybody?
- A. Mmm-hmm.
- Q. Do you know if he ever told anybody?
- A. No, I don't think he did.
- Q. Did you tell anybody else?

- A. No.
- Q. Your counselor here?
- A. Oh yeah, well yeah. I told Maggie.
- Q. Okay, so you told Maggie. And who else have you told?
- A. Well then after you know I talked to Maggie, my parents and everything.
- Q. How long ago did you first tell your parents?
- A. How long ago? Well, I had told them, that you know, I knew more than I said and everything, but I hadn't ever told them the complete story up until recently, when I told Maggie.
- Q. How much did you tell them back in the past?
- A. Not, I just told them that, you know, I knew what happened and everything like that.
- Q. So you told them that you knew for a fact how Anastasia died?
- A. Yeah.
- Q. Did they discuss it with you?
- A. Mmm-hmm. I mean, they were always trying to get me to tell like the complete story and stuff, but I wouldn't.
- Q. Why?
- A. Because I was just scared to, and also I didn't, I was just scared to say anything. And any time I'd say anything to Byron about saying it, he'd be like you know it's over in the past. He's like we don't need to wreck our lives over this. It's already you know, he's like they think Justin did it. It's like in the past or whatever. Well, also I just didn't want to admit to my parents that I had like anything to do with anything of it, you know. Cause it just seems so, you know.
- Q. Were you scared what would happen to you? Going to jail or something?
- A. Yeah. Well not so much of that, just that, I mean, it's a weird thing to tell your own parents that you were like involved in something like that. Because regardless of if I really didn't think it was going to happen or not, I still should have said you know, what are you, nuts, and not even have got in the car with them.
- Q. Did you tell anybody else at all?
- A. No.

- Q. Not even just briefly, just hint that you knew what was going on?
- A. No.
- Q. Do you know if Byron's told anybody?
- A. No, I have no idea.
- Q. I mean there's a lot of rumors been going around that Byron killed Anastasia. I'm sure you've heard some of those rumors?
- A. No, I really haven't. I don't, cause I don't hang out with like those Westport people or anything anymore. I just kinda severed all ties with that. Is there really rumors going around about that?
- Q. Well there has been for . . .
- A. Uh-huh. Probably ever since then.
- Q. But like I said . . .
- A. I wouldn't think, I don't know if he said anything to anybody. I don't think he would. Well I don't know. Maybe. I don't think he would considering like you know, he's the one . . .
- Q. Do you know if he has talked to anybody about it though?
- A. No. I don't know that.
- Q. Okay, so he's never mentioned saying anything to anybody to you, then?
- A. Hmm-mmm. Not to me. Well, I haven't really kept even in much contact with him at all. So, I don't know.
- Q. Is there anything else at all that you can remember that happened that night? Anything that was said? Any place that you guys went? Anything at all?
- A. Hmm-mmm.
- Q. While you were with Justin and Byron before it happened, did you stop and talk to anybody?
- A. Hmm-mmm.
- Q. After Anastasia was killed, did you stop and talk to anybody?
- A. No.

Q. You did go back to Justin's condo though?

A. Yes.

Q. Did they discuss anything about anything further about hiding, going back and maybe trying to hide the body or anything like that?

A. Hmm-mmm. They didn't discuss anything like that.

Q. Did they say that they were going to go back out?

A. No. At least when I was there, the main prerogative was just Byron was like remember the story and get me home so nothing would look out of the ordinary. Cause I had to be home at a certain time. It was just kinda a lot of weird, like awkward silence. I don't know.

Q. Okay, would you, do you feel up to going back to that location?

A. The cemetery?

Q. Cemetery.

A. Yeah.

Q. And also maybe trying to locate that, where the gun was thrown?

A. Mmm-hmm. That might be a little bit hard though. Cause I can't, don't remember, cause you know, there's lots of train tracks. I don't remember exactly where it was or if it was in Independence or outside of Independence. It wasn't like way way far from the spot.

Q. Okay. If we get out in that area maybe it will jog your memory?

A. Yeah, possibly.

Q. When was the last time you were in that area?

A. In Independence or anything? Or even, or over there by that place?

Q. In that general vicinity.

A. Long time ago.

Q. Has Byron ever said anything to you about going out and getting the gun?

A. Hmm-mmm.

Q. Never said anything about it?

- A. No.
- Q. Or sending somebody to go get it?
- A. Hmm-mmm, no. He's never . . .
- Q. Nothing like that?
- A. No, not that I've, then again like I said, I haven't, I've seen him places occasionally, but I mean I haven't talked to him and he sure, I mean, that's just kind of a subject that isn't really talked about.
- Q. When's the last time you talked to Byron?
- A. Uhm, I saw him I think down on the Plaza and talked to him a little bit like a month and a half ago. Maybe two months ago.
- Q. What did you guys talk about?
- A. Nothing about that because my friend was with me. So.
- Q. Your friend Jim?
- A. No. My friend Angie. We just saw him out there and everything. He said that I guess he had like an apartment, like a new apartment. He said he had one of my CD's and stuff back there. And he also had a picture of me that I wanted. So we went back there, got that, talked to him for a little bit and left. But it was just, it was just like small talk and stuff like that. I mean, nothing . . .
- Q. When was the last time you talked to him about Anastasia being killed?
- A. I don't even remember. Long time ago.
- Q. Anything else at all that you can think of for right now?
- A. Hmm-mmm.
- Q. Conclude this interview. It's approximately 1350 hours.

Kelly M. Hoffert 12/5/00
1:50 pm
Sgt. Gary M. Kigore