Dear Ms. Egli and Ms. Sankar:

This is a supplemental response to your Freedom of Information Act request dated April 7, 2016, seeking records related to the 1988 arson that killed six Kansas City firefighters, which included the July 8, 2011 Criminal Division Memorandum, as well as all notes, recordings, and transcripts pertaining to the Office of the Inspector General’s investigation that produced that memorandum. Your request is currently the subject of litigation: Bryan E. Sheppard v. United States Department of Justice, Case No. 17-01037 CV-W-ODS (W.D. Mo.). You should refer to this case title and number in any future correspondence with this Office.

Pursuant to the Court’s September 21, 2021 Order, this Office re-processed 114\(^1\) pages of records in accordance with the guidance provided by the Court.

After re-processing the records pursuant to the Court’s Order, I have determined that thirteen (13) pages are appropriate for release in full and 101 pages are appropriate for release in part, pursuant to:

5 U.S.C. § 552(b)(6), which concerns material the release of which would constitute a clearly unwarranted invasion of the personal privacy of third parties;

5 U.S.C. § 552(b)(7)(C), which concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to constitute an unwarranted invasion of the personal privacy of third parties; and,

\(^1\) Please note that duplicate records noted in the \textit{Vaughn} are not included in this page count since only one copy of each page, including attachments, was re-processed.
5 U.S.C. § 552(b)(7)(D), which concerns records or information compiled for law enforcement purposes the release of which could reasonably be expected to disclose the identities of confidential sources and information furnished by such sources.

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of the FOIA. See 5 U.S.C. § 552(c). This response is limited to those records that are subject to the requirements of the FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

For any further assistance and to discuss any aspect of your request, you may contact Deputy U.S. Attorney and Civil Chief Jeffrey Ray at Jeffrey.Ray@usdoj.gov.

Although I am aware that your request is the subject of ongoing litigation and that appeals are not ordinarily acted on in such situations, I am required by statute and regulation to inform you of your right to an administrative appeal of this determination. If you are not satisfied with my response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP’s FOIA STAR portal by creating an account on the following website: https://www.justice.gov/oip/submit-and-track-request-or-appeal. Your appeal must be postmarked or electronically transmitted within 90 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked “Freedom of Information Act Appeal.”

Sincerely,

[Signature]

Amanda Marchand Jones
Chief
FOIA/PA Unit

Enclosures
Documents
Interview of Ella Hutton, Witness

On May 5, 2009, and DOJ Attorney John Cox interviewed Ella Hutton, a witness who was mentioned in a Kansas City Star newspaper article printed on June 28, 2008, which made allegations about former ATF Special Agent . The Star said that Hutton “came forward with new information, but said she didn’t want to hear it because it didn’t corroborate the testimony of another witness. Hutton lived near the explosion site in 1988. She told The Star that, after the blast, she saw defendant Richard Brown as a passenger in a white pickup truck parked near her home. She said Brown asked whether she had seen anyone leave the explosion site. She said that Brown did not smell of gasoline and that he had clean clothes. When contacted her, she said, he informed her that other witnesses claimed Brown and Bryan Sheppard were together after the blast in a black pickup and that they were dirty and reeked of gasoline. Hutton said that’s when she told her she would not be a witness at the trial, because her story didn’t agree with that of another witness, who later recanted. Today, Hutton said, she does not know whether Brown is guilty. All she knows for sure, she said, is that tried to get me to say I saw stuff I didn’t see. He wanted me to back up his witness, but I wouldn’t do it.”

The purpose of the interview was to inquire about Hutton’s interaction with law enforcement officials throughout the firefighter’s investigation. Upon interview, Hutton stated the following:

After Hutton was awakened by the first explosion, she and went outside to try to figure out what happened. Hutton noticed a policeman blocking an exit onto the highway. Soon after, two white males in a white pickup truck pulled into her driveway. According to Hutton, the truck pulled up sometime in between the first and second explosion, but she was unable to be more specific regarding the timing. The passenger asked Hutton if she had seen anyone come out of the explosion site, and she told them she had not. The two males looked at each other and then quickly pulled away. The police officer asked Hutton what the two males wanted, and Hutton said they asked her if she had seen anyone come out of the explosion site. Hutton later described the male passenger to he was not in the position to get a good look at either the driver or the passenger), and he told her the description matched that of Johnny Driver; from that point on, Hutton assumed the male passenger was Johnny Driver.

It should be noted that on July 9, 1996, Kansas City Police Department (KCPD) Detective interviewed KCPD Officer , the officer who was assigned to direct traffic near Hutton’s house. did not recall any suspicious vehicles or persons in that area or having a conversation with Hutton.

Hutton recalls that she was first interviewed in 1989 by a KCPD detective, but does not recall his name. Hutton provided him with the aforementioned information. The detective provided her with a photo line-up and she identified the driver and initialed the photograph, but she does not know the name of the person she had identified. Hutton asked the detective if he had a picture of Johnny Driver, and he got angry and said he wanted to leave Driver out of this.
After the airing of Unsolved Mysteries, Hutton’s called the tips line and said that he and Hutton had information related to the investigation. As a result, a female agent, later determined to be ATF SA and a male ATF agent interviewed Hutton in Connecticut, where she lived at the time. According to Hutton, was very pleasant and professional during the interview. Presented Hutton with a photo line-up, and she identified the passenger of the white pickup truck. When she initialed the photo, the name “Richard Brown” was written on the back.

In 1996, Hutton was interviewed by who she believed was ATF SA and another ATF agent. However, records indicate that KCPD detective and another detective actually conducted this interview. Hutton described as tall with brown hair, which does not match the actual description of . Hutton stated the “agents” took her to the location where she saw the white pickup truck and took graphs. SA showed Hutton the photographs that were taken at this location; she identified herself as the female in the photographs and as the male in the photographs (the male is actually Detective ). Hutton stated “were pleasant and professional. However, toward the end of the interview, Hutton asked who she thought was f she going to be a witness at trial. He proceeded to tell her that another witness, Darlene Edwards, said that she saw Richard Brown as the driver and Bryan Sheppard as the passenger in a black pickup truck that night. Hutton stated he was persistent in asking Hutton if she was sure she saw a white pickup truck and that Brown was the passenger. Hutton stated neither of the men asked her to lie or change her story, but Hutton felt pressured to change her story through their persistence in asking her these questions. Hutton stated she was never threatened in any way, but she was told she was not going to be a government witness because her story conflicted with Edwards’ story.

After the defendants’ were sentenced, Hutton contacted Brown’s defense attorney and told him about what she witnessed that night.

Sometime last year, Hutton read an article written by reporter Mike McGraw regarding witnesses feeling pressured by law enforcement officials during the firefighter’s investigation. Hutton subsequently contacted McGraw, and he told her that tried to get people to change their stories during the investigation. Hutton told McGraw that she was never threatened by any law enforcement official, but she felt tried to influence her recollection of what happened that night.

It should be noted that no records indicate that Hutton was ever interviewed by throughout the investigation.
Interview of Linda Peak, Witness

On May 5, 2009, and DOJ Attorney John Cox interviewed Linda Peak, a witness who was mentioned in a Kansas City Star newspaper article printed on June 29, 2008, which made allegations about former ATF Special Agent The Star stated about Peak, “she had never met Richard Brown, but knew him by sight. She said she saw him standing—shirtless and shoeless—outside his family’s home just seconds after the pre-dawn explosions. Peak later testified that she and her father went outside their home near 82nd Street and Brooklyn Avenue. She said Brown and his family were in their front yard and Brown yelled over asking, ‘What the hell just happened?’ Peak said she didn’t come forward with her story in order to help Brown or his family. ‘I did it because it was the truth. To this day, I know for a fact...that he is in jail for something he didn’t do,’ she says. Prosecutors tried to neutralize Peak’s testimony by pointing out that she didn’t see Brown until just after the second of two explosions. The implication was that the delay—about 40 minutes between the first and second of two blasts—could have given Brown time to get home from the crime scene. But Peak doesn’t buy it. For one thing, she said, she had been awake and looking out the windows since shortly after the first explosion. That’s when she said she saw Brown’s truck parked in the driveway—the same truck that other prosecution witnesses testified they saw in another location seconds after the first blast. Asked why she didn’t offer that information at the trial, Peak said, ‘Nobody ever asked me.’ Peak’s Army Veteran, backed her story. The four other defendants also had alibis.”

The purpose of the interview was to inquire about Peak’s interaction with law enforcement officials throughout the firefighter’s investigation. Upon interview, Peak stated the following:

Peak lived with her parents for approximately 8 or 9 months prior to the explosions, and they were next door neighbors to Richard Brown’s family. Peak did not know Brown personally, but his family had pointed him out to her before. On the night of the explosions, Peak was asleep on the couch and an explosion woke her up. Peak and her subsequently went outside to see what happened. According to Peak, everyone in the neighborhood came out of the house after the explosion. Brown came out and was standing in front of his family’s house and asked, “What the hell just happened?”

Peak stated she does not know how it is possible that Brown could have been involved in the explosions. She had seen him outside that night and she also saw his pickup truck in their driveway.

It should be noted that, during this interview, Peak could not recall if she saw Brown after the first or second explosion, and does not recall hearing a second explosion. Peak further stated that she was unsure which explosion woke her up.

Right before the trial, the ATF interviewed Peak at her home, but she does not recall the names of the specific agents. According to Peak, the ATF agents were very professional and respectful toward her, and they did not threaten or pressure her in any way.
Peak testified at trial on behalf of the defense and stated that her testimony was completely truthful. Sometime last year, Kansas City Star reporter Mike McGraw contacted her. McGraw told her that people felt like they were being coerced and pressured by law enforcement officers throughout the firefighter’s investigation. Peak told McGraw she was never threatened or coerced by any law enforcement official throughout the investigation. McGraw mentioned [redacted] name, but Peak does not recall the context in which it was said. Peak told McGraw that she did not believe Brown could have been responsible for the arson fire because she saw him outside after the explosion. McGraw mentioned to Peak that the security guards wanted insurance money for a truck, and they set fire to a truck and caused the explosion.
Interview of Dixie Cloughley, Witness

On May 6, 2009, (b)(6), (b)(7)(C) and DOJ Attorney John Cox interviewed Dixie Cloughley, a witness who was (b)(6), (b)(7)(C) as City Star newspaper article, printed on June 29, 2008, which made allegations against former ATF SA (b)(6), (b)(7)(C). The Star said that Cloughley “says (b)(6), (b)(7)(C) pressured her to incriminate the defendants”. The purpose of the interview was to inquire about Cloughley’s interaction with law enforcement officials throughout the firefighter’s investigation.

Upon interview, Cloughley stated the following:

Cloughley’s (b)(6), (b)(7)(C) was Bryan Sheppard’s girlfriend at the time of the explosions. Cloughley was home on the night of the explosions; she woke up, but did not know what happened until the next morning. Cloughley and (b)(6), (b)(7)(C) talked a lot about the explosions, and (b)(6), (b)(7)(C) was shocked that Bryan was being accused of being involved in the arson fire. According to (b)(6), (b)(7)(C), Bryan was very scared and upset about the whole situation and adamantly denied that he was involved.

Through her (b)(6), (b)(7)(C) relationship with Bryan, Cloughley got to know Bryan and the Sheppard family fairly well. In fact, Cloughley still keeps in touch with Bryan. Cloughley also got to know Richard Brown through (b)(6), (b)(7)(C). Cloughley has been writing Brown as a pen pal over the years, and she believes he is innocent.

In late 1995, (b)(6), (b)(7)(C) made an appointment through Cloughley’s (b)(6), (b)(7)(C) to interview Cloughley at the Sheppard house. Cloughley said that (b)(6), (b)(7)(C) had a tape recorder. Cloughley described (b)(6), (b)(7)(C) as professional, but very persistent and asked the same questions over and over. Cloughley perceived this as rude and she became frustrated, so she got up and walked away in the middle of the interview.

Sometime last year, Cloughley spoke with Kansas City Star newspaper reporter Mike McGraw. Cloughley told McGraw about her experience with (b)(6), (b)(7)(C) during the interview at her (b)(6), (b)(7)(C) house; Cloughley told McGraw that she felt pressure through (b)(6), (b)(7)(C) persistence, but he did not threaten her in any way.
Interview of [b](6), (b)(7)(C)

On December 3, 2009, [b](6), (b)(7)(C) and DOJ Attorney John Cox conducted a telephone interview with [b](6), (b)(7)(C), a witness who drove by the construction site during the early morning hours of November 29, 1988 and saw a pickup truck on fire on the side of the road and two cars with spotlights, which appeared to be security vehicles, driving around. [b](6), (b)(7)(C) provided this information to the Kansas City Police Department (KCPD), who subsequently generated a police report based on [b](6), (b)(7)(C) account. A Kansas City Star newspaper article was printed on April 25, 2009, which alleged this police report only recently surfaced and was never turned over to the defense. The Star said the defense attorneys felt this report contained exculpatory evidence that would have been useful at trial, and they would have used this report to impeach the testimony of the security guards. A review of the discovery receipts indicate that this report was not turned over to the defense.

[b](6), (b)(7)(C) provided the following information during the interview:

During the early morning hours of November 29, 1988, [b](6), (b)(7)(C) was driving home from work and passed the construction site where the explosions occurred. [b](6), (b)(7)(C) noticed a pickup truck, which appeared white in color, on fire on the side of the road. [b](6), (b)(7)(C) also saw two unmarked white cars with spotlights, which appeared to be security vehicles, circling around the site. [b](6), (b)(7)(C) said the spotlights appeared to be positioned higher than the ones on a police car. It appeared to [b](6), (b)(7)(C) that the security personnel were looking for something or someone. [b](6), (b)(7)(C) found it odd that the security personnel were not doing anything about the pickup truck. [b](6), (b)(7)(C) also saw a light on top of the hill, but did not know what it was. [b](6), (b)(7)(C) did not see any fire trucks at the site, and she did not see or hear any sirens on her drive home. [b](6), (b)(7)(C) arrived home approximately 10 minutes later and after several minutes got into the shower.

While in the shower, [b](6), (b)(7)(C) heard and felt a loud boom. Initially, [b](6), (b)(7)(C) thought someone was trying to break into her house, [b](6), (b)(7)(C) then realized that was not the case. [b](6), (b)(7)(C) then suspected that what she felt and heard had something to do with the fire she had seen earlier. [b](6), (b)(7)(C) called the KCPD and explained what she had just seen on the construction site to a detective. Approximately 1½ years later, a male KCPD detective came to [b](6), (b)(7)(C) house to ask her about what she observed on the construction site. A KCPD police report was generated based on [b](6), (b)(7)(C) account, prepared by Detective [b](6), (b)(7)(C) and dated August 2, 1990, which is attached to this MOI.

A few months ago, McGraw interviewed [b](6), (b)(7)(C) about what she had seen on the construction site. McGraw read [b](6), (b)(7)(C) the police report, and [b](6), (b)(7)(C) confirmed the report was accurate. [b](6), (b)(7)(C) requested that her name not be printed in the newspaper, and McGraw agreed to keep her identity anonymous. McGraw mentioned to [b](6), (b)(7)(C) that the people in jail may be innocent and how sad it would be if the defendants were falsely put in jail.

Attachment:

1. KCPD police report, dated August 2, 1990

Special Agent Name and Signature: 

Date: 

Reviewer: 

OIG Form III-2072 (08/08/05) This document contains neither recommendations nor conclusions of the IG. It is the property of the IG and is loaned to your agency; it and its contents are not to be distributed outside of your agency.
MEMORANDUM OF INVESTIGATION

Case Number: 2008-008197
Reporting Office: Chicago Field Office

Interview of Robert Riggs, Witness

On February 11, 2009, and DOJ Attorney John Cox interviewed Robert Riggs, a witness who was mentioned in the Kansas City Star news articles on June 28, 2008. The purpose of the interview was to discuss Riggs’ prior involvement in the firefighter’s investigation and his interaction with law enforcement officials throughout the investigation.

Upon interview, Riggs stated the following:

Riggs is the owner of Ameriguard, the company that provided security for the construction site where the explosions occurred in 1988. Riggs was one of the security guards who was on duty the night of the explosions. Riggs discussed the sequence of events that led up to the explosions. Riggs said what he told investigators in several interviews and what he testified to at trial was true and accurate. Riggs also stated that he never withheld any information, and does not have any new information to provide.

Riggs stated was always very professional throughout the investigation and treated him with respect. Riggs recalls only being frustrated with when he questioned his sister’s (Debbie Riggs) possible involvement in the arson fire. According to Riggs, Debbie had nothing to do with the explosions and was not involved in any way. When asked about the woodcutter who claims was on the construction site the night of the explosions, Riggs stated is a “liar” and he was not at the site that night. Riggs also described as the federal prosecutor of the firefighter’s investigation, as “a fantastic guy and a straight shooter”.

Soon after the explosions, Mike McGraw, reporter for the Kansas City Star, came to Riggs’ office and asked to interview him, but Riggs declined. According to Riggs, the newspaper articles that allege Debbie’s involvement are very upsetting to her. Riggs discussed the newspaper articles that mentioned his sister as a possible suspect. Riggs confirmed that his sister was homosexual, and used to have a romantic relationship with former security guard Donna Costanza. Riggs stated Costanza was not involved in the explosions either. According to Riggs, his sister stated that she knows the women who are making the allegations against her and Costanza, and she thinks there was an underlying motive for them to make allegations against her. Riggs believes the women who made the allegations were also lesbians, and there may be some problems related to past relationships or associations.
Interview of [b][6], [b][7][C], Retired Special Agent, Department of Labor, Office of the Inspector General

On September 18, 2008, [b][6], [b][7][C] and DOJ Attorney John Cox interviewed retired Special Agent [b][6], [b][7][C], United States Department of Labor, Office of Inspector General (DOL-OIG), regarding his involvement in the firefighter’s investigation. [b][6] was an agent with DOL-OIG from 1983 to 1999, and was the Special Agent in Charge of the Kansas City Field Office at the time of the explosion that killed six firefighters in November 1988. Upon interview, [b][6] stated the following:

A couple months after the explosion [b][6], [b][7][C] Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), contacted [b][6], [b][7][C] with investigating the theory that disgruntled union workers may have committed the arson at the construction site. At the time, DOL-OIG did not have any information that union workers were responsible for the arson, but there had been a history of union unrest in the concrete industry, such as vandalism and the sugaring of gas tanks at construction sites. [b][6] assisted [b][6] with investigating the theory of union unrest, but they exhausted all of their investigative leads and evidence was developed during their investigation that pointed to union workers committing the arson at the construction site. [b][6] and [b][6] were satisfied that the arson was not a result of union unrest, and the investigation became dormant for a few years.

The ATF investigation reactivated when someone called the ATF tip line and provided information that the current defendants (the Sheppard family and associates) committed the arson at the construction site. After it was reactivated, [b][6] continued to assist [b][6] with the investigation. More information and leads were progressively generated that implicated the current defendants in committing the arson.

[b][6] conducted multiple witness interviews with [b][6] and [b][6] never threatened or coerced anyone during any of these interviews. According to [b][6], interview style was always very calm and composed, and he always maintained a pleasant demeanor. In fact, [b][6] taught interviewing techniques within the ATF. [b][6] said [b][6] had always been well- respected throughout the law enforcement community as a skilled investigator and interviewer. [b][6] believes there is absolutely no merit to the current allegations against [b][6].

[b][6] stated that almost three years ago, Mike McGraw, reporter for the Kansas City Star, showed up at his home unannounced to inquire about the firefighter’s investigation. [b][6] spoke with McGraw only briefly, and told him he was very comfortable with the outcome of the investigation and believes the right people are in prison.
Interview of [b](6), [b](7) Retired Special Agent, Bureau of Alcohol, Tobacco, Firearms, and Explosives

On September 18, 2008, [b](6), [b](7) and DOJ Attorney John Cox interviewed retired Special Agent [b](6), [b](7) regarding the fire investigation. Upon interview, [b](6) stated the following:

When [b] arrived to the explosion scene, it had already been released by the Kansas City Police Department (KCPD). Initially, KCPD did not want ATF involved in the investigation, but after several days agreed to a joint investigation. About a month after the incident, [b] was assigned as the lead case agent and worked with KCPD pursuing various leads in the investigation. A couple months after the explosion, [b] received additional leads related to labor unrest, and suspected that disgruntled union workers may have been responsible for the arson fire at the construction site. At this time, KCPD did not appear to be interested in the labor unrest theory, and ATF and KCPD began to conduct separate investigations. KCPD continued to pursue leads related to the woodcutters, Marlborough gang, and the security guards.

[b] contacted [b](6), [b](7) United States Department of Labor, Office of the Inspector General (DOL-OIG), for investigating the labor unrest theory. At the time, DOL-OIG did not have any information that union workers were responsible for the arson, but there had been a history of union unrest in the concrete industry, such as vandalism and the sugaring of gas tanks at construction sites. [b] assisted with investigating the theory of union unrest, but they exhausted all of their investigative leads; no evidence was developed in their investigation that pointed to union workers committing the arson at the construction site. [b](6), [b](7) were satisfied that the arson was not a result of union unrest, and the investigation became dormant for a few years. [b] also pursued leads related to the woodcutters and the security guards, but extensive investigation indicated the woodcutters and the security guards were not responsible for the arson fire.

The ATF investigation reactivated when someone called the ATF tip line and provided information that the current defendants, the Sheppard family and their associates, committed the arson fire at the construction site. For the duration of the investigation, more information and leads were generated that implicated the current defendants in committing the arson. In fact, the ATF investigation revealed over 100 witnesses who implicated the current defendants in the arson. The ATF investigation also determined that none of the defendants’ alibis were legitimate.

Almost three years ago, Mike McGraw, reporter for the Kansas City Star, approached [b](6), [b](7) home regarding the firefighter’s investigation. McGraw contacted [b](6), [b](7) soon after, and McGraw and [b](6), [b](7) had lunch and discussed the firefighter’s investigation. [b](6), [b](7) felt that McGraw had an agenda and wanted to gather information on specific witnesses in the case. McGraw questioned [b](6), [b](7) about whether the right people were in prison and questioned the process of the ATF investigation. [b](6), [b](7) emphasized to McGraw that he is certain the right people are in jail, and was very comfortable with the outcome of the investigation. Because of McGraw’s past inquiries, [b](6), [b](7) was not surprised when the most recent news articles were printed in the Kansas City Star, which alleged that [b](6), [b](7) coerced and threatened certain
witnesses during the investigation in order to gain testimony. Further stated that articles of a similar nature were published in the Kansas City Star in 1997 soon after the conviction of the defendants, but received very little publicity.

According to [redacted], McGraw is getting much of his information from [redacted] of the Old River Times. [redacted] talked to several of the witnesses in the case, and supposedly took affidavits from several witnesses who claim they were threatened by [redacted] and have recanted the original statements they made to ATF investigators. [redacted] newspaper is a close friend of [redacted] (felon turned private investigator). Said doing story if people guilty or not. Didn’t want to hear both sides. Witnessess recanting, article June 29. List of 20…only 5 testified. Requested follow-up interview to counter all of the allegations. February of the following year, [redacted] shows up and agents took lengthy statements from him. McGraw working with defense attorney [redacted] sifting through thousands of documents, and uncovered evidence from witnesses that said all of this bad stuff about [redacted]. Follow-up call with McGraw about [redacted]. Articles hit in 1997; didn’t even know they came out and didn’t receive much publicity.

After the guilty verdict, the original articles didn’t go anywhere. McGraw was not around during the criminal investigation or the trial [redacted] diagnosed with cancer. McGraw said he would continue this on for him. [redacted] affidavit taken in 2003 by [redacted]

Begins news articles: Brings [redacted] up who changed story three times, the latest being that he was on site and saw Costanza.

Constanza: talked to so much, got attorney’s.

Riggs: they gave inaccurate story. Witness [redacted] sees guard

On September 18, 2008, [redacted] and DOJ Attorney [redacted] interviewed retired Special Agent [redacted] United States Department of Labor, Office of Inspector General (DOL-OIG), regarding his involvement in the firefighter’s investigation. [redacted] was an agent with DOL-OIG from 1983 to 1999, and was the Special Agent in Charge of the Kentucky Field Office at the time of the explosion that killed six firefighters in November 1988. Upon interview, [redacted] stated the following:

A couple months after the explosion, [redacted] Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF), contacted [redacted] for assistance with investigating the theory that disgruntled union workers may have committed the arson at the construction site. At the time, DOL-OIG did not have any information that union workers were responsible for the arson, but there had been a history of union unrest in the concrete industry, such as vandalism and the sugaring of gas tanks at construction sites.

Memorandum of Investigation

Date:

Case Number:
with investigating the theory of union unrest, but they exhausted all of their investigational leads; no evidence was developed in their investigation that pointed to union workers committing the arson at the construction site. [b](6), [b](7)(C) were satisfied that the arson was not a result of union unrest, and the investigation became dormant for a few years.

The ATF investigation reactivated when someone called the ATF tip line and provided information that the current defendants, the Sheppard family and their associates, committed the arson at the construction site. Subsequently, [b](6), [b](7)(C) continued to work on the investigation with SA [b](6), [b](7)(C) because of his previous involvement and to assist with manpower needs. For the duration of the investigation, more information and leads were generated that implicated the current defendants in committing the arson.

[b](6), [b](7)(C) conducted multiple witness interviews with never threatened or coerced anyone in his presence. According to , interviewing style was always very calm and composed, and he always maintained a pleasant demeanor. In fact, taught interviewing techniques within the ATF. [b](6), [b](7)(C) was an excellent investigator and interviewer and a well-respected agent throughout the law enforcement community. [b](6), [b](7)(C) believes there is absolutely no merit to the current allegations against [b](6), [b](7)(C).
Interview of Retired Special Agent [b](6), [b](7)(C) Bureau of Alcohol, Tobacco, Firearms and Explosives

On October 9, 2008, [b](6), [b](7)(C) and DOJ Attorney John Cox interviewed retired Special Agent [b](6), [b](7)(C) Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), regarding his involvement in the firefighter’s investigation. [b](6), [b](7)(C) was an agent with ATF from June 1976 through August 2004. Upon interview, [b](6), [b](7)(C) stated the following:

[b](6), [b](7)(C) assisted with the initial crime scene investigation at the construction site. Soon after the investigation, a task force was formed between the ATF and the Homicide Unit of Kansas City Police Department (KCPD). A couple months into the investigation, leads were generated that indicated union unrest may have been the cause of the arson fire at the construction site. KCPD did not appear interested in the union unrest theory, and ATF and KCPD began to conduct separate investigations. For approximately two years, the ATF investigated the union unrest theory, but no evidence was developed to indicate union workers were responsible for the arson fire. The investigation became dormant for approximately five years.

The airing of the television program “Unsolved Mysteries” generated a lot of publicity. As a result, numerous people called the ATF tip line with information that implicated the current defendants in the arson fire. [b](6), [b](7)(C) answered the initial call on the ATF tip line from [b](6), [b](7)(C) who stated that Richard Brown told her approximately four years earlier that he and Bryan Sheppard were involved in the explosion at the construction site. [b](6), [b](7)(C) said that Brown became very emotional while he was telling her of their involvement.

In May 1995, another ATF tip line caller advised that an individual named [b](6), [b](7)(C) was in jail and had pertinent information to provide to the ATF related to the firefighter’s investigation. [b](6), [b](7)(C) subsequently conducted a telephonic interview with [b](6), [b](7)(C) who stated that Richard Brown and all of the Sheppard’s worked for his neighborhood lawn service. [b](6), [b](7)(C) said that these defendants made various admissions regarding their involvement in the explosion at the construction site. A couple days later, [b](6), [b](7)(C) interviewed [b](6), [b](7)(C) at Jackson County Jail, and he reiterated what he previously told him during the telephonic interview. [b](6), [b](7)(C) is now claiming that [b](6), [b](7)(C) pressured him to fabricate lies that incriminated the defendants, and that none of the defendants ever made any admissions to [b](6), [b](7)(C). [b](6), [b](7)(C) stated these allegations are completely false and that [b](6), [b](7)(C) was cooperative during the interview. [b](6), [b](7)(C) stated that neither he nor [b](6), [b](7)(C) made any promises or pressured him to fabricate lies that incriminated the current defendants.

[b](6), [b](7)(C) also recalled interviewing another witness [b](6), [b](7)(C) who is now claiming that [b](6), [b](7)(C) pressured her to provide false incriminating information regarding the current defendants. [b](6), [b](7)(C) stated [b](6), [b](7)(C) was not even present during that interview, and that [b](6), [b](7)(C) was not pressured or coerced in any way.

[b](6), [b](7)(C) both specialized in bomb and arson, and they worked together on many investigations over the years. [b](6), [b](7)(C) described [b](6), [b](7)(C) as an excellent interviewer who was always very respectful and...
professional during interviews. In fact, [redacted] taught interviewing techniques around the country for ATF. [redacted] conducted many witness interviews with [redacted] during his career, and [redacted] always acted in a respectful, professional manner and never pressured or forced any witness in his presence. [redacted] believes that all of the allegations made against [redacted] in the Kansas City news articles are absurd.

[redacted] stated that numerous witnesses appeared自愿 to provide information to the ATF and came forward of their own volition.

[redacted] stated he is very comfortable with the process of the ATF investigation and is certain the right people are in jail. [redacted] said there were 10 to 15 witnesses per each defendant who received first-hand admissions from the defendants that they were involved in the explosion at the construction site.
Interview of Assistant Prosecuting Attorney, Jackson County Prosecutor’s Office

On December 10, 2008, and DOJ Attorney John Cox interviewed Assistant Prosecuting Attorney, Jackson County Prosecutor’s Office, regarding his involvement in the firefighter’s investigation. He has been employed by the Jackson County Prosecutor’s Office since 1992. Upon interview, stated the following:

estimated that he became involved in the firefighter’s investigation in early spring of 1996, a few months prior to the defendants’ indictment. was co-counsel for the federal case and assisted AUSA with the prosecution. has assigned particular witnesses by AUSA and participated in weekly meetings with AUSA and the investigators. When got involved, the labor unrest theory had already been exhausted and the security guards had been exonerated as suspects. Upon his involvement, the only theory in the investigation focused on the current defendants. According to the current defendants were the most likely suspects due to their criminal history and involvement in prior thefts in the neighborhood.

had extensive trial experience prior to his involvement in the firefighter’s case and was the lead prosecutor for 55 previous jury trials. According to there was not much physical evidence in the investigation, and the vast majority of the evidence was admissions made by the defendants to numerous witnesses. There was an “avalanche of witnesses”; most of the witness testimony was corroborated throughout the investigation, and many unrelated witnesses provided consistent stories to investigators.

stated that nothing seemed out of the ordinary in relation to the investigation or the prosecution in this case. The defendants were represented by reputable defense attorneys, and AUSA handled the prosecution of the case appropriately and did not appear overzealous. described and as very professional and thorough. said there was never any sense that any witnesses were pressured by anyone else throughout the investigation. expressed his confidence that the right people are in jail, and he believes the allegations against in the recent newspaper articles are completely false. Many of the witness interviews were audio-taped, which concretely demonstrate those interviews were voluntary and that the witnesses were not pressured.

said he never doubted that the current defendants were responsible for the arson fire, although there were times that the prosecutors and investigators questioned whether they had everyone involved in the crime; there were people who made admissions, but were never indicted.

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Interview of [redacted] Special Agent, Bureau of Alcohol, Tobacco, Firearms and Explosives

On October 9, 2008, [redacted] and DOJ Attorney John Cox interviewed [redacted] Special Agent, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Kansas City Field Division, regarding her involvement in the firefighter’s investigation. [redacted] has been a Special Agent with ATF Kansas City Field Division since March 1988. Upon interview, [redacted] stated the following:

[redacted] recalled conducting witness interviews related to the firefighter’s investigation with [redacted] and [redacted] was not present during those interviews.

[redacted] stated she was a brand new agent at the time of the explosion, and [redacted] was a senior agent in the office who specialized in arson investigations. [redacted] worked with [redacted] on other cases over the years and never saw [redacted] act inappropriately or threaten anyone during interviews. [redacted] was an excellent interviewer and always maintained a professional and relaxed demeanor. [redacted] described [redacted] as the “go-to” interviewer in the office, and she aspired to become as good of an interviewer as [redacted].

[redacted] provided [redacted] with a copy of the general procedures for the interview teams of the firefighter’s investigation and the $50,000 reward poster and bumper sticker that was utilized to solicit information related to the firefighter’s investigation.

Attachments:

1. General Procedures for Interview Teams
2. Copy of $50,000 reward poster
3. Copy of $50,000 bumper sticker
Interview of Deborah (Foster) Matthews, Witness

On February 11, 2009, (b)(6), (b)(7)(C) and DOJ Attorney John Cox interviewed Deborah Matthews, a witness who was mentioned in a Kansas City Star news article on June 28, 2008. The Star indicated that (Foster) Matthews “says she tried unsuccessfully to get her to change her story that Bryan Sheppard was in bed all night. A pressure her to give other incriminating evidence.” The purpose of the interview was to discuss Matthews interaction with law enforcement officials during the firefighter’s investigation.

Upon interview, Matthews stated the following:

Matthews, formerly known as Deborah Hodge (maiden name) and Deborah Foster (previous married name), was dating defendant Bryan Sheppard at the time of the explosions. Matthews and Sheppard have a daughter together, and she was six months pregnant with her at the time of the explosions.

Matthews recalls having a video-taped interview in 1989, and she stated all of the information she provided during that interview was truthful and accurate. Matthews was unable to recall the names of the detectives that conducted that interview, but thought “Detective (b)(6), (b)(7)(C) was one of them (Records indicate that KCPD Detectives (b)(6), (b)(7)(C) conducted that interview, not Matthews stated the detectives were very friendly and professional during the entire interview. Matthews further recalls being interviewed by ATF agents in 1995, however she does not recall their names. Matthews thought one of them was (b)(6), however records show that the interview was conducted by SA’ and (b)(7)(C). Matthews recalls other witnesses telling her how rude he was, but Matthews remembers being surprised by how nice and friendly he was.

Matthews was asked to provide a letter to (b)(6), (b)(7)(C) regarding her interactions with law enforcement officials during the investigation. Matthews’ letter did not state that she was ever pressured or intimidated by anyone. In her letter, Matthews mistakenly thought that was one of the detectives that conducted her video-taped interview. Records reveal that Matthews was never interviewed by (b)(6), but she talked to him on one occasion, which she does not recall. Mike McGraw contacted Matthews regarding her interaction with law enforcement officials throughout the investigation. Matthews told McGraw that she never felt threatened or pressured at any time during the interviews. Matthews further stated that she feels the newspaper article completely misrepresented what she told McGraw. Matthews reiterated that no one ever pressured her at any time to provide incriminating information against the defendants.

Attachment:

1. Letter from Deborah Foster to (b)(6), (b)(7)(C) dated February 2, 2006.
Interview of Retired Detective, Kansas City Police Department

On October 8, 2008, and DOJ Attorney John Cox interviewed retired Kansas City Police Department (KCPD) detective regarding his involvement in the firefighter’s investigation. was a detective with KCPD from 1971 through 1997. Upon interview stated the following:

was assigned to the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF) as part of a task force that investigated the firefighter’s investigation. was assigned to this task force because he was very familiar with the Marlborough area, and assisted with undercover drug deals, witness interviews, and serving subpoenas. Records indicate that assisted with five witness interviews: Larry Summers, was unable to recall any of these interviews, with the exception of , remembered that was present, and that she stated she witnessed a planning meeting amongst the defendants. was unable to recall any more details related to this interview. had been an informant for in the past and provided information regarding illegal drug usage by individuals in the Marlborough area. also told that she knew Darlene Edwards and Frank were involved in the arson that at the construction site.

recalled that within the first month after the explosion, he received information from an informant that implicated the current defendants. passed the information onto the KCPD Homicide Unit.

as a very good interviewer who always maintained a professional demeanor. has reason to doubt integrity and has never heard anything derogatory about .

, one of the witnesses mentioned in the most recent Kansas City Star news article, is a “perpetual liar.” interviewed approximately two or three years ago, right before the news article that stated claimed to have seen the security guards at the construction site the night of the explosion. During the interview, many lies and felt that was being dishonest during the interview.
Interview of Former Assistant Federal Public Defender, Western District of Missouri

On December 11, 2008, and DOJ Attorney John Cox interviewed Former Assistant Federal Public Defender, Western District of Missouri, regarding the current allegations against him. He was a federal public defender in Kansas City from 1975 through 1996, and is currently in private practice as a criminal defense attorney. Upon interview, stated the following:

represented current defendant Darlene Edwards for approximately eight or nine months on her drug violation case. He did not represent Darlene Edwards regarding the firefighter’s investigation. He read the Kansas City Star news articles, and believes the current allegations against are completely false. worked with and AUSA on other cases over the years, he described them both as fair and professional. never portrayed himself as oppressive or intimidating, and he described as a very good agent. There was never any sense of pressure or intimidation throughout the firefighter’s investigation, and never heard any mention of that. adamantly believes the newspaper articles against have no merit.

, ATF, provided a copy of a memorandum written by dated April 5, 1995, including Darlene Edwards’ handwritten notes describing some of the defendants’ involvement in criminal activity.

Attachment:

Interview of [b](6), retired detective, Kansas City Police Department

On December 11, 2008, [b](6), [b](7) (C) and DOJ Attorney John Cox interviewed retired detective [b](6), [b](7), Kansas City Police Department (KCPD), regarding his involvement in the firefighter’s investigation. [b](6) stated he was a detective with KCPD from 1978 through 2004. Upon interview, [b](6) stated the following:

At the time of the investigation, [b](6) was assigned to the KCPD Bomb and Arson Unit, and he ran down several leads related to the case. [b](6) recalled that in February 1995 [b](6) provided him with a lead card that indicated Jerry Rooks, an inmate at Platte County Jail, had information related to the firefighter’s investigation (Rooks is one of the witnesses who is now claiming was pressured by investigators to provide false incriminating information against the defendants). [b](6) subsequently interviewed Rooks who stated that he overheard some of the defendants admit their involvement in the crime. Because this information was so valuable to the firefighter’s investigation, [b](6) immediately contacted [b](6) (C) because he wanted an ATF agent to participate in the interview of Rooks. Subsequently, [b](6), [b](7) conducted an audio-taped interview of Rooks later that day, and Rooks reiterated the information he previously provided to [b](6), [b](7) (C). Special Agent [b](6), [b](7) (C) ATF provided a copy of the transcript of the aforementioned audio-taped interview of [b](6), [b](7), which is attached to this MOI. It should be noted that the transcript reflects Rooks’ acknowledgment that he was providing the statement voluntarily, and no promises were made to him during the interview.

[b](6) stated the allegations related to Rooks in the recent Kansas City Star newspaper articles are completely false. Rooks voluntarily provided the information and appeared anxious to talk to the investigators. Neither [b](6), [b](7) nor [b](6) ever threatened or pressured Rooks in any way. More specifically, Rooks was never threatened with more time on a probation violation if he refused to cooperate, as Rooks is currently alleging.

[b](6) could not recall any other interview he conducted with [b](6) related to the firefighter’s investigation, but recalls conducting interviews with other agents. [b](6) never saw [b](6) or anyone else threaten any witnesses throughout the investigation. [b](6) stated he was very impressed with [b](6) interviewing skills, and he had never seen a better interviewer. [b](6) described [b](6) as very laid-back and methodical, both in and out of interviews. [b](6) thinks the Kansas City Star newspaper articles have no merit, and all of the current allegations against [b](6) are entirely false.

Attachment:

Interview of Chuck Jennings, Witness

On February 10, 2009, [redacted] and DOJ Attorney John Cox interviewed Chuck Jennings, a witness who was mentioned in a Kansas City Star news article on June 28, 2008. The Star reported that Jennings “says [redacted] told him not to cooperate with defense attorneys or testify on Richard Brown’s behalf or he would face charges for past crimes.” The purpose of the interview was to inquire about Jennings’ interaction with law enforcement officials throughout the firefighter’s investigation.

Upon interview, Jennings stated the following:

Jennings was friends with defendants Richard Brown and Bryan Sheppard, but Jennings stated they went their separate ways right before the 1988 explosions. Jennings acknowledged that his name came up a lot as a suspect during the firefighter’s investigation. According to Jennings, he made eight trips downtown for questioning, and took and passed three polygraph exams. Jennings stated the information he provided to investigators during those several interviews was the truth, and he was asleep on his grandparent’s house on the night of the explosions. Jennings stated he never heard anyone make any admissions about their involvement in setting the arson fire that resulted in the explosions.

Jennings stated he believes the defendants are innocent, but does not know who is responsible for the arson. Jennings theorizes that there was a union dispute and that disgruntled union workers committed the arson fire out of retaliation.

KCPD Detective [redacted] initially contacted Jennings regarding his involvement in the arson fire and subsequently he was interviewed by KCPD. In 1995, Jennings went to the ATF office voluntarily and was interviewed by former [redacted] and another agent. Jennings stated he did not raise his voice and was professional and appropriate during this interview. However, Jennings claims that when came to his house the night before the trial began and said that he knew Jennings was testifying for Richard Brown, and told him that [redacted] told him about a burglary Jennings committed at a house and told him he would get charged with that. Jennings also claimed to have three letters Jennings wrote to him [redacted] admitting his involvement in the arson fire. Jennings stated he felt intimidated, and he claimed [redacted] said something along the lines of, “If you can’t help us, you can’t help Richard”. Jennings stated his [redacted] was home during the visit. Jennings also told his [redacted] about what [redacted] said to him while he was at his house.

Jennings was asked by [redacted] if he ever contacted [redacted] and he only recalled contacting [redacted] on one occasion regarding a gun. [redacted] showed him several messages indicating he contacted [redacted] over the telephone and requested him to come by his house or return his phone call. Jennings denied remembering these contacts.

Jennings stated he did not testify at the trial, and sometimes regrets not testifying.
Attachments:

1. Telephone message and notes from Jennings to [REDACTED].
2. Notes (author unknown), generated from a phone call by Jennings to ATF.
3. Notes authored by [REDACTED], generated from a phone call from Jennings to [REDACTED].
4. Telephone message to go by Jennings’ house after 7 pm.
MEMORANDUM OF INVESTIGATION

Case Number: 2008-008197
Reporting Office: Chicago Field Office

Interview of a Special Agent, Bureau of Alcohol, Tobacco, Firearms and Explosives

On December 11, 2008, and DOJ Attorney John Cox interviewed Special Agent, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), regarding his involvement in the firefighter’s investigation. has been a Special Agent with the ATF since 1992. Upon interview, stated the following:

recalled interviewing one of the current defendants, Darlene Edwards, with KCPD. When Edwards was arrested for a drug violation, provided his contact information to her in case she wanted to provide any information related to the firefighter’s investigation. A couple days later, Edwards contacted from Clay County Jail and insinuated that she had information related to the firefighter’s investigation. immediately contacted and they responded to the jail to interview Edwards. said that was talking to Edwards briefly, had her sign waivers, and then began tape-recording the interview. stated that Edwards voluntarily admitted to driving Bryan Sheppard and Richard Brown to the Quik Trip to get gasoline on the night of the explosion. Edwards said that Brown and B. Sheppard talked about stealing things on the construction site and setting a fire as a diversion. Edwards was very pleasant during the interview, and provided the information voluntarily. stated that Edwards was not threatened or pressured in any way to provide this information to the investigators. mentioned that at trial, however, they redacted all of the names in the audio-taped interview, so the jury did not know which defendants Edwards drove to the Quik Trip to buy gasoline.

believes the current allegations against in the Kansas City Star newspaper articles are absurd; many of the witnesses mentioned in articles did not even testify and some were not even interviewed by According to , the only thing the investigators wanted throughout the investigation was the truth. There was no bullying of witnesses or false promises made; in fact, many of the witnesses came forward with information of their own volition. never saw or anyone else threaten any witness during the investigation. said was an excellent interviewer, and he taught interviewing techniques within the ATF. described as pleasant, methodical, and professional, both in and out of interviews. said he felt very lucky to work with because he was a highly experienced and skilled investigator.

Special Agent Name and Signature: 
Date: 
Reviewer: 

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Interview of [b](6), (b)(7)(C), Retired Police Officer, Kansas City Police Department

On March 12, 2009, [b](6), (b)(7)(C) conducted a telephone interview of [b](6), (b)(7)(C), retired Police Officer, Kansas City Police Department (KCPD), regarding his involvement in the firefighter’s investigation. [b](6), (b)(7)(C) was a KCPD patrol officer from October 1967 through October 1997.

Upon interview, [b](6), (b)(7)(C) stated the following:

[b](6), (b)(7)(C) was a KCPD patrol officer and specialized in narcotics and prostitution. As a result, [b](6), (b)(7)(C) worked extensively in the Marlborough neighborhood where the five defendants lived. [b](6), (b)(7)(C) knew the Sheppard’s (Bryan, Frank, and Skip), as well as Darlene Edwards and Richard Brown. According to [b](6), (b)(7)(C), the five defendants had a history of criminal activity, including numerous thefts, traffic violations, and involvement in narcotics.

The ATF approached KCPD and asked about information relating to the five defendants and the Marlborough neighborhood. KCPD forwarded [b](6), (b)(7)(C)’s records regarding the criminal history of the five defendants to the ATF for review. Due to [b](6), (b)(7)(C)’s strong working knowledge of the neighborhood and criminal history of the defendants, ATF requested that [b](6), (b)(7)(C) be a part of the firefighter’s investigation task force.

As part of the ATF task force, [b](6), (b)(7)(C)’s primary role was to assist with witness interviews. [b](6), (b)(7)(C) recalled conducting numerous witness interviews, mostly with retired KCPD detective [b](6), (b)(7)(C). [b](6), (b)(7)(C) recalled sitting in on some interviews with former ATF Special Agent [b](6), (b)(7)(C), but was unable to recall the names of specific witnesses. [b](6), (b)(7)(C) stated no witness was threatened or anyone else in his presence. [b](6), (b)(7)(C) described [b](6), (b)(7)(C) as an excellent investigator and interviewer, who was extremely professional at all times. [b](6), (b)(7)(C) stated that [b](6), (b)(7)(C) always maintained a pleasant and calm demeanor during interviews and throughout investigation.

[b](6), (b)(7)(C) read the Kansas City Star newspaper articles and thinks they are absurd and inaccurate. [b](6), (b)(7)(C) has no doubt that the current defendants were involved in committing the arson fire at the construction site.
Interview of retired Special Agent, Bureau of Alcohol, Tobacco, Firearms and Explosives

On September 17, 2008, and DOJ Attorney John Cox interviewed retired Special Agent, Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), regarding his involvement in the firefighter’s investigation. He was a Special Agent with ATF from October 1975 through August 2006. Upon interview, stated the following:

On November 29, 1988, was the duty agent for the Kansas City Field Office. Early that morning, the answering service contacted and said that there had been a press inquiry into an explosion at a construction site and that firefighters were reported to be missing. notified his supervisor and immediately responded to the scene.

arrived at the scene between 4:30 am and 5:30 am that morning and was the first ATF agent to arrive. head of the Bomb and Arson unit of the Kansas City Police Department (KCPD), informed that two trailers containing explosives had caught on fire and exploded and six firefighters were missing. On his way to the area where the explosion occurred, noticed a human jaw bone and believed the firefighters were killed in the blast. A more extensive search of the scene led to the recovery of the six missing firefighters.

While at the scene, was assigned as the case agent of this investigation by his supervisor.

later learned that the KCPD Homicide unit had been put in charge of the investigation after he left, and they had released the scene later that night. KCPD was initially reluctant to conduct a joint investigation with the ATF, but later agreed to it. Over time, many leads were generated that were jointly investigated by ATF and KCPD, including the woodcutters and the Sheppard family and associates.

Over a month later, was reassigned to investigate the potential storage violation of explosives on the construction site, and was assigned as the case agent for the arson component of the investigation.

ATF later developed a theory that the arson fire may have been union-related due to a history of vandalism on the construction site by disgruntled union workers. KCPD did not appear to be interested in the union unrest theory, and ATF and KCPD began to conduct separate investigations.

For the remainder of the ATF investigation, was only involved in the case on a peripheral level; he assisted with manpower when necessary, but does not recall conducting any witnesses interviews with related to this case. However, assisted with serving a trial subpoena to defendant Darlene Edwards. Without any solicitation by Edwards initiated a discussion about the information she previously provided to the ATF that implicated the current defendants in the arson fire. During that interaction, did not threaten or coerce Edwards in any way. In fact, according to Edwards appeared very open.
and comfortable during that discussion.

(b)(6), (b) often worked closely with and they conducted numerous interviews together at ATF. (b), (b) said he never witnessed threaten anyone during any of these interviews, and that is one of the most skilled interviewers and investigators he has ever worked with. (b)(6), (b) believes the current allegations against are absurd, and the portrayal of in the newspaper articles written by Mike McGraw, reporter for the Kansas City Star, is completely inaccurate.
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**Attempted Interview of [b](6), [b](7)(C) Witness**

On June 17, 2009 [b](8), [b](7)(C) contacted [b](6), [b](7)(C) via telephone to attempt to arrange an interview with him. [b](6), [b](7)(C) declined to be interviewed and stated he wants nothing to do with this investigation.

[b](7)(C) was mentioned in a Kansas City Star newspaper article printed on June 28, 2008 as saying, “he testified inaccurately to the grand jury that defendant Frank Sheppard asked him to steal from the construction site where the firefighters died. Says he was in trouble at the same time and that federal agents pressured him to say it.”
MEMORANDUM OF INVESTIGATION

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Interview of [b](6), [b](7)(C), Witness

On July 31, 2009 [b](6), [b](7)(C) and DOJ Attorney John Cox conducted a telephone interview with Bill Goff, a witness mentioned in a Kansas City Star newspaper article printed on June 28, 2008. The Star stated that [b](6), [b](7)(C) said that Brown can’t be guilty, because she saw him standing in his front yard when he was supposed to be fleeing the scene. The article went on to say that Peak’s father, [b](6), [b](7)(C), backed her story. The purpose of this interview was to inquire about what [b](6), [b](7)(C) saw on the night of the explosions that occurred at the construction site.

[b](6) provided the following information during the interview:

[b](6) was neighbors with Richard Brown’s family at the time of the explosions. [b](6) recalled that the first explosion woke him up, but neither he nor his family members went outside at that point. After the second explosion, [b](6) and his [b](6), [b](7)(C) went outside to see what happened. [b](6) saw his neighbor, Richard Brown, standing on his back porch after the second explosion wearing nothing but a pair of blue jeans. It appeared to [b](6) that Brown had just woken up. [b](6) then walked out to the street and had a very brief conversation with Brown. Brown said to [b](6) something along the lines of, “What the hell just happened?” [b](6) said Peak also had a brief conversation with Brown, but did not know what was said.

[b](6) recalled being interviewed by defense investigators, but had no further involvement in the investigation.

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Interview of Johnnie Ray Neil, Witness

On July 30, 2009, and DOJ Attorney John Cox conducted a telephone interview with Johnnie Ray Neil, a witness who was mentioned in a Kansas City Star newspaper article, printed on June 28, 2008. The Star reported that Neil said, "he overheard Costanza admit she and Riggs were attempting to set fire to Rigg's truck when 'things got out of hand'". (Donna Costanza and Debbie Riggs were employed as security guards at the construction site at the time of the explosions).

Neil provided the following information during the interview:

Approximately two months after the explosions at the construction site, Neil went to a hamburger stand named "Stacks" to get something to eat. Neil's owned Stacks at the time, and he ate there often. Neil was behind the restaurant and was walking up to an outside cooler adjacent to the back door of Stacks. At this time, he heard Donna Costanza and , both of whom worked at Stacks, having a conversation. Neil recalls Costanza saying that they "fucked up" and was trying to do an "insurance job" on her truck and it got out of hand. Neil recalls Costanza then saying that she would blow anyone's head off if they ever said anything about this. Neil said that Costanza had a sawed off shotgun behind the counter at this time.

, and Neil's sister (Jessica Vernon) grew up together and were all friends and hung out. According to Neil, all of the girls in this group, with the exception of , became part of this group once Costanza and Debbie worked as security guards together at the construction site.

Neil called his sister and told her about the conversation he overheard. mentioned that on a separate occasion, she heard a similar conversation regarding Riggs and Costanza being involved in an insurance scam.

Neil reported this conversation to Clay County Sheriff's Department. proceeded to investigate this matter. In fact, the Sheriff's Department arranged an undercover where he was going to bring into Stacks and say she was her friend in an attempt to get talk about Costanza's and Riggs' involvement. Neil said this undercover operation only continued for a short time because, according to , an anonymous source was pressuring to discontinue the undercover operation.

Soon after the explosions, an ATF agent interviewed Neil regarding the conversation he overheard between Costanza and . Neil has a vague recollection of ATF agents interviewing him again years later, but is not sure. Neil was unable to recall the names of the ATF agent(s) who interviewed him.

After the trial, Neil was contacted by private investigators regarding this conversation he overheard. Neil does not recall ever speaking with defense attorneys or investigators; however a private agent met with Neil.

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investigator told him the defense had his statement.

A couple years after the defendants’ conviction, a Kansas City Star reporter contacted Neil and interviewed him over the telephone. The reporter read Neil the statement he previously provided to the ATF and verified its accuracy. The reporter mentioned to Neil that he was an investigative reporter and believes the defendants may have been wrongfully convicted.

Approximately one year ago, the same reporter contacted Neil and he subsequently had a face-to-face interview with the reporter. The reporter again verified Neil’s statement regarding the conversation he heard between Costanza and The reporter mentioned that he was going to write another newspaper article because several witnesses were coming forward with different sides of the story.

Recently, a reporter or investigator contacted Neil about an upcoming “America’s Most Wanted” series, which Neil believes is related to the firefighter’s investigation.
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Attempted Interview of Valerie Rocha, Witness

On June 16, 2009, (b)(6), (b)(7)(C) contacted (b)(6), (b)(7)(C) via telephone in an attempt to locate her for an interview. (b)(6), (b)(7)(C) stated that Rocha declined to be interviewed and did not want to be involved in this investigation in any way.

Rocha was mentioned in a Kansas City Star newspaper article printed on June 28, 2008 as saying, (b)(6), (b)(7)(C) enticed her with money when she was in a rehab program. Also pressured her to ‘lie’ and said some of the defendants admit their involvement. She said she refused.”
MEMORANDUM OF INVESTIGATION

Interview of John Driver

On March 1, 2011, Special Agent (b)(6), (b)(7)(C) U.S. Department of Justice (DOJ) Office of the Inspector General, and DOJ Trial Attorney (b)(6), (b)(7)(C) conducted a telephonic interview with John Driver, a witness who was mentioned in a Kansas City Star newspaper article printed on June 28, 2008, which made allegations against former Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) Special Agent Bryan Sheppard. The Star stated, "He said he would have Driver indicted for the crime if he did not testify." The purpose of this interview was to inquire about Driver’s interaction with law enforcement officials throughout the firefighter’s investigation.

Driver provided the following information during the interview:

Sometime in the late 1980’s, both Driver and Bryan Sheppard were incarcerated at the Jackson County Jail. During that time, Driver engaged in casual conversation with Sheppard. Driver subsequently informed his attorney that he was in jail with Sheppard. According to Driver, he had a way to get Driver out of the Jackson County Jail on a signature bond, under the condition that he go straight to the Kansas City Police Department (KCPD) and talk with them. When he went to the KCPD, detectives inquired whether Sheppard admitted to Driver that he was involved in the arson fire at the construction site. Driver claimed that he told the police that Sheppard never admitted to being involved in the explosion; however, the police produced a written statement that, unbeknownst to Driver, implicated Sheppard. Driver signed the statement, dated August 11, 1989, but said he was unaware that his statement implicated Sheppard because he claimed he did not read it in its entirety. Driver then passed a police-administered polygraph regarding whether his statement was truthful. Driver alleged that the police “taught him how to pass the polygraph.”

Approximately a week later, Driver contacted a bail bondsman who mentioned that Driver signed a statement, which implicated Sheppard. Driver told the bondsman that he never told the police anything that implicated Sheppard. After he found out about the information his signed statement contained, Driver decided to remove himself from the situation and relocate from Kansas City to Corpus Christi, Texas.

Around that time, SA (b)(6), (b)(7)(C) went to and interviewed Driver about the statement he previously provided to the KCPD. When Driver alleged that his previous written statement was inaccurate, he became upset and told Driver he would go to jail for a long time if he would not tell him if he was willing to provide the information contained in his previous written statement. Driver then told Driver he would bring him a hamburger next time. Driver said that he was hungry and had not eaten lunch one day, so he called (b)(6), (b)(7)(C) and went to the KCPD to re-interview Driver and provided him with a hamburger, but Driver maintained that the information contained in his signed statement was untrue.

Special Agent Name and Signature: (b)(6), (b)(7)(C)  Date: March 4, 2011  Reviewer: (b)(6), (b)(7)(C)
A few years ago, Mike McGraw, reporter for the Kansas City Star, contacted Driver and interviewed him while he was (b) (6), (b) (7)(C). Driver told McGraw the same information that he provided during this interview. Driver said he did not read the articles in the KC Star newspaper, so he is unsure if what is written about him in the articles is accurate.

Attachments:

1. Driver’s written statement, dated August 11, 1989
2. ATF’s Report of Interview of Driver, dated February 11, 1995
MEMORANDUM

U.S. Department of Justice
Office of the Inspector General
OF INVESTIGATION

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Interview of Assistant United States Attorney, (b)(6), (b)(7)
atallon Chief, (b)(6), (b)(7)(C), Kansas City Fire Department

On December 2, 2009, DOJ Attorney John Cox and (b)(6), (b)(7)(C) conducted a
telephone interview with Assistant United States Attorney (AUSA) (b)(6), (b)(7), the AUSA
who prosecuted the firefighter’s case. (b)(6), provided the following information during the
interview:

(b)(6), asked about two civilian witnesses, neither of
whom testified at trial. (b)(6), was interviewed by the Kansas City Police Department on
August 2, 1990, and she reported that she drove by the construction site during the morning
of the explosions and saw a truck on fire and two white cars spotlighting the area “as if they were
looking for someone.” (b)(6) heard an explosion three or four minutes after she arrived
home. Later, she heard a second explosion. (b)(6) called 911 and reported her earlier
observations, but the police never called her.

(b)(6), was also asked about the interview reports regarding. In 1995, (b)(6) was
interviewed by the ATF and identified defendant Richard Brown as a passenger in a white
pickup truck near the explosion site soon after the first explosion occurred. In 1996, KCPD
conducted a follow-up interview of (b)(6) and she reiterated the information she provided to
the ATF.

(b)(6), said he did not have any recollection of those particular reports or making the decision
not to turn them over to the defense. (b)(6), believes the government was in possession of
both reports prior to trial. (b)(6), recently reviewed the two reports after they were brought to
his attention and feels neither report contains exculpatory evidence. (b)(6), reconstructed the
timeline of (b)(6), observations, which suggests that the vehicles she saw were fire
department vehicles. (b)(6), said that the 1995 ATF report referenced earlier
interview reports that were likely given to Bryan Sheppard’s attorney during the state case.
Interview of retired Battalion (b)(6), (b)(7)(C) Kansas City Fire Department

On December 3, 2009, DOJ Attorney John Cox and (b)(6), (b)(7)(C) conducted a telephone interview with retired Battalion (b)(6), (b)(7)(C) Kansas City Fire Department, who responded to the construction site immediately prior to the explosions (b)(6), (b)(7)(C) provided the following information during the interview:

(b)(6), (b)(7)(C) got to the scene only a couple minutes before the first explosion occurred. When (b)(6), (b)(7)(C) arrived, the pickup truck fire had already been put out. (b)(6), (b)(7)(C) and his driver pulled up on the hill (he was in the passenger seat), and he saw security guards sitting there. (b)(6), (b)(7)(C) asked his driver to stop and talk to the security guards. (b)(6), (b)(7)(C) had no interaction with Debbie Riggs and only his driver talked to her. Soon after, the first explosion happened, and (b)(6), (b)(7)(C) radioed for help. (b)(6), (b)(7)(C) got out of the car to help his driver who was knocked to the ground in the explosion.

(b)(6), (b)(7)(C) expressed concern that Debbie Riggs' testimony at trial was inaccurate due to the fact that he did not interact with Riggs at all that night. (b)(6), (b)(7)(C) found it odd that Riggs would have made up her interaction with him and wondered whether she was mentally ill or trying to cover something up.
Driver report attached. Please review and we'll discuss when we talk this afternoon. I have one clarification question for you for something that I'd like to add to report.

Thanks.
Two more. These are short ones. I didn't go into the [redacted] one too much. Just wrote what he told us and left the interpretation/recommendations for your report. Let me know if that works.
All of the civilian witness interview reports.
### Case Number: 2008-008197
### Reporting Office: Chicago Field Office

**Interview of (b)(6), (b)(7)(C) Witness**

On May 6, 2009, (b)(6), (b)(7)(C) and DOJ Attorney John Cox interviewed (b)(6), (b)(7)(C) Richard Brown’s (b)(6), (b)(7)(C) requested to speak with (b)(6), (b)(7)(C) and Cox after her daughter, Shannon Reimers, was done with her interview.

Brown provided the following information:

Brown stated that sometime during the trial, (b)(6), (b)(7)(C) and AUSA (b)(6), (b)(7)(C) were behind her on an elevator. (b)(6), (b)(7)(C) heard one of the two say something along the lines of that they know her son, Richard Brown, is innocent, but they are going to “take him down”. When asked, (b)(6), (b)(7)(C) initially said she was not sure who said that, but later said she thought it was the (b)(6), (b)(7)(C). She did not tell anyone about this comment. (b)(6), (b)(7)(C) also mentioned that the security was not very effective at the courthouse because she was able to consistently get through security with a knife. (b)(6), (b)(7)(C) also stated that she suffers from dementia.

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**Special Agent Name and Signature:**

**Date:**

**Reviewer:**
Interview of Mike DeMaggio, Witness

On May 6, 2009 and DOJ Attorney John Cox interviewed Mike DeMaggio, a witness who was mentioned in a Kansas City Star newspaper article printed on June 28, 2008, which made allegations against former ATF SA. The Star stated DeMaggio “says the ATF ‘threatened’ him because he did not say what they wanted to hear”. The purpose of the interview was to inquire about DeMaggio’s interaction with law enforcement officials throughout the firefighter’s investigation.

DeMaggio provided the following information during the interview:

DeMaggio was dating Shannon Reimers at the time of the explosions, and they lived with Darlene Edwards and Frank Sheppard at the time. DeMaggio said that he and Reimers were babysitting all night. DeMaggio said that he has no information related to the investigation, and he has no idea if the defendants are guilty or innocent.

DeMaggio said he was interviewed by ATF agents while he was at a county jail regarding the firefighter’s investigation. DeMaggio was unable to recall the names of the agents, but records indicate that SA and SA conducted this interview with DeMaggio on October 6, 1994. Records also reveal that DeMaggio signed a Miranda waiver at the time of interview. DeMaggio said this interview was voluntary, and he acknowledged that he signed a Miranda waiver. DeMaggio told the ATF agents that he had no knowledge or information regarding the firefighter’s investigation. DeMaggio said the agents were calm and did not raise their voices; however, they threatened to “make sure he’d stay in jail” because they would “set him up” for other crimes if he did not provide more information related to the firefighter’s case.

DeMaggio does not recall talking to any defense attorneys or investigators during the investigation.

DeMaggio said Kansas City Star reporter Mike McGraw contacted him a couple times over the telephone. DeMaggio told McGraw that ATF agents threatened him because he did not provide any helpful information related to the firefighter’s investigation.
Interview of [b](6), [b](7),[c] Witness

On July 31, 2009, [b](6), [b](7),[c] and DOJ Attorney John Cox conducted a telephone interview with [b](6), [b](7),[c] a witness who was mentioned in a Kansas City Star newspaper article printed on June 28, 2008. The Star stated that Goff’s [b](6), [b](7),[c] said that Brown can’t be guilty, because she saw him standing in his front yard when he was supposed to be fleeing the scene. The article went on to say that Peak’s [b](6), [b](7),[c] an Army veteran, backed her story. The purpose of this interview was to inquire about what Goff saw on the night of the explosions that occurred at the construction site.

[b](6),[c] provided the following information during the interview:

[b](6),[c] was neighbors with Richard Brown’s family at the time of the explosions. [b](6),[c] recalled that the first explosion woke him up, but neither he nor his family members went outside at that point. After the second explosion, [b](6),[c] and his [b](6), [b](7),[c] went outside to see what happened. [b](6),[c] saw his neighbor, Richard Brown, standing outside of his house after the second explosion wearing nothing but a pair of blue jeans. It appeared to [b](6),[c] that Brown had just woken up, [b](6),[c] then walked out to the street and had a very brief conversation with Brown. Brown said something along the lines of, “What the hell just happened?” [b](6), [b](7),[c] also had a brief conversation with Brown, but did not know what was said.

[b](6),[c] recalled being interviewed by defense investigators, but had no further involvement in the investigation.
Interview of Buster Hower, Witness

On July 29, 2009, and DOJ Attorney John Cox conducted a telephone interview with Buster Hower, a former ATF agent and DOJ Attorney John Cox conducted a telephone interview with Buster Hower, brother-in-law of defendant Bryan Sheppard, says “he was pressured and intimidated by federal agents to stop helping Bryan with legal fees.” The purpose of the interview was to inquire about Hower’s interaction with law enforcement officials throughout the firefighter’s investigation.

Upon interview, Hower stated the following:

Hower is Bryan Sheppard’s brother-in-law and is married to Bryan’s sister, (b)(6), (b)(7),(C) At the time of the explosion, Hower was dating (b)(6), (b)(7),(C) and because of their relationship, had gotten to know Bryan well. In 1989, the state pursued charges against Bryan for his involvement in the firefighter’s investigation, and Hower hired attorney (b)(6), (b)(7),(C) to represent Bryan in that case. The charges against Bryan were subsequently dropped.

In 1995, Hower first met ATF agents at the Cass County Courthouse. Bryan was being held due to drug charges, and appeared at the hearing in an attempt to have the judge increase Bryan’s bail. Hower hired a different attorney to represent Bryan in these court proceedings, and Bryan’s bail was not increased. According to Hower, the drug charges against Bryan were dropped approached Hower at the courthouse and said he wanted to talk to him. subsequently asked Hower for a statement regarding his relationship with Bryan and the original state charges brought against him. Hower told he was willing to help out with the investigation and provided with a written affidavit regarding this information. According to Hower, was very professional during this interaction. It did appear to Hower that had an agenda and wanted to link certain information to the explosions on the construction site.

Sometime later in 1995, federal charges were filed against Bryan and the other four defendants for their involvement in the explosions that occurred on the construction site. began calling Hower directly to ask him questions about the Sheppard family or to verify information. Around this time, Hower’s son died. A few weeks later, Hower’s aunt died and he went to her funeral in Tennessee. When he returned, Hower received a call from two ATF agents (not ) Hower told the agents that he no longer wanted to be a conduit between the Sheppard family and the ATF. Hower told these agents that if the ATF wanted to talk with him he would prefer that contact him directly, and he did not want to talk with anyone else. The next day, the two ATF agents who had called him the day before showed up at his home. Hower reiterated that he did not want to talk with them about the investigation, and the agents subsequently left. Later that same day, FBI agents showed up at Hower’s office and told him that they received a tip that he matched the description of John Doe No. 2 in the Oklahoma City bombing that occurred a day or two before, and asked Hower for an alibi and started questioning him regarding the Oklahoma City incident. Hower thought this was suspicious and believed that the FBI appearing at his residence was the result of his refusal to continue to serve as a conduit between the ATF and the

Special Agent Name and Signature:  
Date:  
Reviewer:  

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Sheppard family. When asked where he was during this time period, Hower said that he was in Oklahoma City.

Hower stated that he was always professional, and did not do anything in particular that made him feel pressured or intimidated. Hower said that he felt pressure because the ATF and FBI agents showed up soon after he returned from his aunt’s funeral and around the time of his son’s death, and he did not want to continue to serve as a conduit between the ATF and the Sheppard family. Hower “sensed” that he was being watched and surveilled during the firefighter’s investigation and believed this negatively impacted his business. Hower interpreted this as an underlying message that he was being punished for his involvement in Bryan’s legal defense and he should stop helping Bryan. No agent ever asked Hower to stop helping Bryan with his legal fees, but that was the impression he got due to the circumstances and the aforementioned sequence of events.

A couple years ago, Mike McGraw, reporter for the Kansas City Star, interviewed Hower regarding the firefighter’s investigation. McGraw told Hower that evidence had developed which indicates the current defendants are not guilty. McGraw also told Hower that there were over a dozen witnesses who recanted their testimony and who are claiming that he pressured and intimidated them (e.g. ). Hower told McGraw that he felt pressure from federal agents because they persisted in trying to question him even though he made it clear he wanted to discontinue his involvement in the investigation. Hower also told McGraw that he felt the underlying message from federal agents was that he should stop helping Bryan with legal fees.

Hower said that the affidavit he provided in February 2005 was true and accurate to the best of his knowledge.
MEMORANDUM OF INVESTIGATION

Case Number: 2008-008197
Reporting Office: Chicago Field Office

Interview of Carie Neighbors, Witness

***Confidentiality Requested***

Do not disclose without prior approval from DOJ Attorney John Cox

Neighbors requested confidentiality regarding the below information because she fears retaliation from the defendants’ family members.

On May 5, 2009 and DOJ Attorney John Cox interviewed Carie Neighbors, a witness who was mentioned in a Kansas City Star newspaper article printed on June 28, 2008, which made allegations against former ATF Special Agent [b](6). The Star stated Neighbors said [b](6) pressured her to testify that she overheard Bryan and Richard Brown admitting to the crime. ‘He awful’, she said of [b](6). ‘He basically told me that if I didn’t testify, he would take my son away from me.’ She said [b](6) to her, ‘We know what you know and this is just what you are going to say.’ Neighbors testified at trial, but she has since signed an affidavit taking back that testimony. ‘I don’t believe they got a fair trial,’ she said.” The purpose of the interview was to inquire about Neighbors’ interaction with law enforcement officials throughout the firefighter’s investigation.

Neighbors provided the following information during the interview:

Neighbors used to date Bryan Sheppard for a few months when she was 14 years old. Their relationship ended when Bryan trespassed onto her property and she shot him out of self defense. Bryan and Neighbors remained friends, but the Sheppard family has disliked her ever since. Neighbors has since been scared of the Sheppard family, especially Bryan’s [b](6). Neighbors has been “kicked her ass” a few times in the past, and Neighbors is very concerned that she would still try to harm her in some way.

Neighbors was 16 or 17 years old at the time of the explosions. Neighbors initially claimed that she did not remember much about the firefighter’s investigation because she suffers from epilepsy and has memory lapses; she had no recollection of Bryan Sheppard or Richard Brown making admissions at a party, or the details of signing an affidavit recanting that information. However, later in the interview, Neighbors admitted to overhearing Bryan Sheppard and Richard Brown admit to their involvement in killing the six firefighters on two occasions: the first was at a party with her [b](6) and the second was at Swope Park.

Neighbors also said that what she testified to at trial was the truth, and she recanted this testimony in an affidavit because she feared retaliation from the Sheppard family because of her incriminating trial testimony. Bryan Sheppard has contacted Neighbors from prison and has told her that he is still in love with her. Bryan Sheppard asked Neighbors to try to help get him out of jail. Neighbors recalled that she signed the affidavit recanting her trial testimony right in the middle of these ongoing conversations with Bryan Sheppard. Neighbors also believes that [b](6) whom she has been so afraid of, has been nice to her lately because she wants her to try to help Bryan out of jail. Bryan Sheppard’s [b](6) has also made references to Neighbors about trying to help Bryan’s case.
fact called Neighbors to “warn” her about the present interview and asked Neighbors to try to help Bryan’s case.

During the interview, Neighbors also revealed some information she never shared with law enforcement during the investigation. First, on December 31, 1988, Bryan Sheppard admitted to Neighbors that he was responsible for killing the firefighters. After a party, Neighbors and Bryan left together and drove somewhere and parked to talk. Bryan discussed the explosion that killed the firefighters and was upset and crying. While driving afterwards, Bryan said he wanted to kill himself and take Neighbors with him. He proceeded to crash the car into a tree somewhere near 80th and Troost, and Neighbors stated there is still a gash in the tree that they crashed into. Neighbors later contacted [b](6), [b](7)(C) to advise that the tree is specifically located in front of 1203 E. 80th St., Kansas City, MO.

Secondly, many years ago, Bryan told Neighbors that he had stolen dynamite, and that a woman named [b](6) had it at her home. Coincidentally, Neighbors’ recent apartment building manager named [b](6), [b](7)(C) told her that she had dynamite that Bryan Sheppard and Richard Brown stole and was keeping it as “a souvenir”. Neighbors later called [b](6), [b](7)(C) and advised this woman’s full name is [b](6) and the name of the apartment building is [b](6), [b](7)(C).

Neighbors believes that Bryan Sheppard and the other four defendants are guilty of the crime.

Neighbors recalled that she was interviewed by ATF SA [b](6), [b](7)(C) regarding her knowledge about the admissions made at a party she attended. Neighbors said [b](6), [b](7)(C) were professional, but described them as “bullies” and very stern. Neighbors said they never raised their voices or yelled at her, but were very persistent when asking questions and trying to obtain certain information.

Neighbors later contacted [b](6), [b](7)(C) to ask for help after her boyfriend’s truck was shot at while she was at a bar. Neighbors also contacted [b](6), [b](7)(C) because she was concerned for her safety after testifying before the grand jury. As a result, the ATF provided Neighbors with money in order to help her move.

On the day of trial, Neighbors told [b](6), [b](7)(C) that she did not want to testify. According to Neighbors, [b](6), [b](7)(C) told her that if she did not testify, she would go to jail and her son would be taken away from her. Neighbors described [b](6), [b](7)(C) as “stern”, as well, but she said he never threatened her either.

Before the trial, Neighbors recalls that a defense attorney came to her house, but she refused to talk to him. Neighbors claimed she has no recollection of speaking with Kansas City Star report Mike McGraw, but recognizes his name.

A few weeks ago, Neighbors recently lost her job and moved in with her [b](6), [b](7)(C) and is very uncomfortable and scared because she is living so close to the Sheppard family.
Interview of Shannon Reimers, Witness

On May 6, 2009, [redacted] and DOJ Attorney John Cox interviewed Shannon Reimers, a witness who was mentioned in a Kansas City Star newspaper article, printed on June 29, 2008, which made allegations against former ATF agents [redacted]. The Star said that Reimers “testified that she saw defendants Frank Sheppard and Darlene Edwards at home and fully dressed just after the explosion. Now says her testimony was ‘inaccurate’ and that [redacted] ‘intimidated’ her. ‘I told him what he wanted to hear just to get rid of him.’ Shannon Reimers, the sister of defendant Richard Brown said she also was pressured by [redacted] to make statements in court that she has since recanted. She said other witnesses testified for reward money. ‘It was all about money…and about threatening,’ Reimer said.” The purpose of this interview was to inquire about Reimers’ interaction with law enforcement officials throughout the firefighter’s investigation.

Reimers provided the following information during the interview:

Reimers was 15 years old when the explosions occurred and was living with Darlene Edwards and Frank Sheppard at the time. Reimers did not live with her mother because she was pregnant with Mike DeMaggio’s baby at the time and her mother disapproved. Reimers recalled that the police started “messing with” Richard Brown soon after the explosions. On one occasion, the police pulled Richard over while she was in the car and left her there when she thought she was in labor.

On the night of the explosions, Reimers and DeMaggio were babysitting [redacted]’s house. The first explosion woke Reimers up and she fell out of bed. Reimers and DeMaggio were supposed to spend the night, but because of the explosions, [redacted] and her [redacted] came home. Reimers and DeMaggio walked home to Darlene Edwards’ and Frank Sheppard’s house. On the way home, Reimers recalls seeing Richard Brown and her grandfather looking around their house, but doesn’t remember if she had a conversation with them. When Reimers and DeMaggio arrived home, she saw Frank, Skip, Darlene, and [redacted] all wide awake in the living room. Reimers thinks Johnny Driver may have been there, but she isn’t sure. Reimers knows it was dark when they got home because she remembers seeing the glow of a lit cigarette when she walked in. Reimers and DeMaggio briefly talked with them about the explosion and then went upstairs to bed. Reimers learned what happened the next morning because it was all over the news.

Reimers believes her brother, Richard Brown, is innocent. Reimers had always thought that Darlene, Frank, and Skip were responsible for the arson fire, but now she is not so sure. Reimers said she thought they were capable of committing the arson fire because they all used to steal, fight, and do a lot of drugs. According to Reimers, Darlene Edwards and Frank Sheppard fought frequently and Frank was very mean sometimes. Reimers admitted to doing crack/cocaine with them for awhile, but then she stopped.

Sometime during the investigation, Reimers agreed to meet with ATF agents [redacted] at her house for an interview. [redacted] and another ATF agent came to [redacted] and
interviewed Reimers in her bedroom to gain privacy. Reimers believed this interview occurred when she was only 15 years old, but records indicate this interview occurred in 1995. For most of the interview, Reimers stayed in the room. Reimers said was very persistent during the interview and asked her the same questions over and over. After awhile, her mother left to tend to dinner, and the atmosphere changed. According to Reimers, told her the story of what he thought happened. Reimers told that she saw Frank, Skip, Darlene, and all wide awake in the living room. An ATF agent drafted a handwritten statement. Reimers reviewed the statement, made corrections, initialed those corrections, and signed it. Reimers does not remember saying some of the things contained in that statement, such as Darlene burning her car for insurance money or Darlene “snatching” a purse. Reimers recalls that she agreed to everything in the statement because she was scared and just wanted the agents to leave. Reimers said she felt very intimidated by because he was an authority figure and it felt like he was leading her through the interview. According to Reimers, never yelled or screamed at her, but she felt manipulated due to his persistence while questioning her.

Reimers stated that on another occasion, came to her house and served her with a trial subpoena. Reimers stated pushed the door open and held it with his foot and threw down the subpoena.

Reimers does not recall speaking to any defense attorneys during the investigation. Reimers does remember being interviewed by an investigator, and she complained about and how she felt she was led during the aforementioned interview.

Reimers stated that she had been talking to Kansas City Star reporter Mike McGraw about the investigation, and Reimers wanted to talk to him, too. Reimers told McGraw that during the interview with she felt pressured and intimidated to say things that were not true.

Reimers said that her trial testimony was truthful, and she is not recanting anything she testified to at trial.
John,

Here are the previous reports that you’ve already reviewed and corrections made. The only one you haven’t reviewed yet is the interview. I’ll call you in the morning and we’ll go over it on the phone. Also, [redacted] is available for an interview at 10:30 am your time tomorrow morning. Will call when I get in.

Have a good night,
I'm working on the others.

Hope you are doing well.
Interview of Assistant United States Attorney [redacted], Kansas City Fire Department

On December 2, 2009, DOJ Attorney John Cox and [redacted] conducted a telephone interview with Assistant United States Attorney (AUSA) [redacted], the AUSA who prosecuted the firefighter’s case. [redacted] provided the following information during the interview:

About two civilian witnesses, neither of whom testified at trial. [redacted] was interviewed by the Kansas City Police Department on August 2, 1990, and she stated that she drove by the construction site during the morning of the explosion and saw a truck on fire and two white cars spotlighting the area “as if they were looking for someone.” [redacted] heard an explosion three or four minutes after she arrived home. Later, she heard a second explosion. [redacted] called 911 and reported her earlier observations, but the police never called her.

[redacted] was also asked about the interview reports regarding [redacted]. In 1995, [redacted] was interviewed by the ATF and identified defendant Richard Brown as a passenger in a white pickup truck near the explosion site soon after the first explosion occurred. In 1996, KCPD conducted a follow-up interview of [redacted] and she reiterated the information she provided to the ATF.

[redacted] said he did not have any recollection of those particular reports or making the decision not to turn them over to the defense. [redacted] believes the government was in possession of both reports prior to trial. [redacted] recently reviewed the two reports after they were brought to his attention and feels neither report contains exculpatory evidence. [redacted] reconstructed the timeline of [redacted] observations, which suggests that the vehicles she saw were fire department vehicles. [redacted] said that the 1995 ATF report referenced earlier interview reports that were likely given to Bryan Sheppard’s attorney during the state case.
Hi John,

How are you? Hope all is well.

Attached are the latest reports, with the exception of [redacted]. Just need to get some clarification on that one, and then I'll send.

Will you please review and let me know what you think, or if I should make any changes? This writing process was exceptionally painful this time; my computer crashed, and I lost EVERYTHING. Ugh. I had to write these twice. Painful.

Anyway, please let me know what you think. Give me a call so we can discuss travel plans.

[redacted]
MEMORANDUM

TO: Lanny A. Breuer  
Assistant Attorney General

THROUGH: Jason M. Weinstein  
Deputy Assistant Attorney General

FROM: P. Kevin Carwile  
Chief, Capital Case Unit (former Chief, Gang Unit)

James Trusty  
Acting Chief, Organized Crime and Gang Section

John F. Cox III  
Trial Attorney, Organized Crime and Gang Section

SUBJECT: Review of Kansas City Star Allegations Regarding the Prosecution of United States v. Sheppard, et al. (The Kansas City Firefighters Case)

Summary

On November 29, 1988, one or more arsonists set fire to a truck and to a construction trailer parked at a highway construction site in Kansas City, Missouri. One fire was set in a small pickup truck belonging to Deborah Riggs, a security guard at the construction site. A second fire engulfed a storage trailer and an adjoining pickup parked hundreds of yards away over the ridge of a large hill. Trial Transcript ("Tr.") at 445, 469-74, 2259, 3047-48, 3054-55. The storage trailer contained volatile chemicals. As a team of firefighters tried to extinguish the trailer flames, the trailer exploded, killing all six responders.


¹ Earl Sheppard died of cancer July 25, 2009, at a federal correction center in Butner, North Carolina.
Beginning in 2007 and continuing through 2009, the Kansas City Star (the “Star”) published a series of investigative articles alleging government misconduct in the Sheppard case. Based on interviews conducted by a Star reporter, the articles asserted that several government witnesses lied at trial, that government representatives used coercive tactics for the purpose of seeking to fabricate inculpatory evidence or to dissuade witnesses from testifying about exculpatory evidence, and that suppressed and/or newly-discovered evidence indicated that persons other than the convicted defendants carried out the arson.

In July 2008, the United States Attorney for the Western District of Missouri asked the Department of Justice to review the Star allegations, so as to avoid any appearance of partiality. The Office of the Deputy Attorney General assigned the Criminal Division to conduct the review.

The Criminal Division’s review of the prosecution focused on whether the allegations raised in the Star are supported by evidence. The review was not, and was not intended to be, a re-investigation of the arsons. Rather, the review was intended to address the Star’s assertions that the defendants may have legitimate claims of actual innocence.2 Based on the information obtained during its review, the review team did not find any credible support for the Star’s allegations. Specifically, the review team found the following:

1. ** Alleged False Trial Testimony.** The Star identified five trial witnesses who allegedly admitted giving false trial testimony due to coercion by the government. Two of those witnesses agreed to speak to the review team. Both stated that their trial testimony was truthful.

2. **Alleged Undue Pressure or Coercion.** The Star identified numerous individuals who did not testify at trial, but who contended that the government engaged in coercive tactics to persuade them to inculpate the defendants or to dissuade them from exculpating the defendants. The review team interviewed each of the individuals it could locate and who would consent to an interview, as well as numerous law enforcement officers involved in the case. The review team has concluded that the government did not engage in conduct intended to improperly coerce those individuals to inculpate the defendants or to dissuade them from exculpating the defendants, and that the individuals either possessed no relevant information or, in those instances in which they did, the Sheppard defense team had the information prior to trial.

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2 See Bousley v. United States, 523 U.S. 614, 623 (1998) (“‘actual innocence’ means factual innocence, not mere legal insufficiency.”). A defendant bears the burden of establishing “actual innocence” on collateral review -- the government can rebut the defendant’s showing “by presenting any admissible evidence” of guilt, even if it was not used in the criminal trial or plea proceeding. Id. at 623-24.
3. **Allegedly Withheld Exculpatory Information.** The *Star* asserted that the government suppressed exculpatory evidence provided by four individuals. The review team has concluded that the information from one of these individuals was disclosed in discovery, while information from the other three appears not to have been included among the voluminous amounts of potentially exculpatory material produced by the government in this case. The review team has concluded that the information that appears not to have been previously provided would not have called into question the defendants' guilt of the crimes charged.

4. **Allegations Regarding Information Suggesting Involvement of Security Guards.** The *Star* asserted that it had uncovered evidence implicating two security guards at the construction site, Deborah Riggs and Donna Costanza, in the arson. The review team found that the government disclosed substantial potentially exculpatory information prior to trial, including information suggesting that Riggs, Costanza, and/or others may have been involved in the arson, and that several of the witnesses identified by the *Star* either testified at trial or were otherwise known to the defense prior to trial. Moreover, the review team has concluded that the information provided by these witnesses would not have called into question the defendants' guilt of the crimes charged.

5. **Newly-Discovered Information.** The review team identified several newly-developed pieces of information, not previously known to the prosecution, that suggests that Riggs and Costanza may have been involved in the arsons in addition to—and not to the exclusion of—the defendants. The review team has concluded that this newly-developed information would not have called into question the defendants’ guilt of the crimes charged.
Background

I. The Arson

At approximately 3:30 a.m. on November 29, 1988, a pickup truck and a construction trailer burned on opposite sides of a highway expansion construction site in southeast Kansas City. Tr. 398. One fire was set in a small pickup truck belonging to Deborah Riggs, a security guard at the construction site. Id. A second fire engulfed a construction trailer and an adjoining pickup truck parked hundreds of yards away over the ridge of a large hill. Tr. 445, 469-74, 2259, 3047-48, 3054-55. That trailer contained approximately 25,000 pounds of a volatile mixture of ammonium nitrate and fuel oil ("ANFO") used for blasting rock during the highway construction. Tr. 356. The pickup belonged to the Mountain Plains Construction Company, the construction company responsible for blasting at the site. Tr. 1767-68, 1773-74, 1787.

Responding firefighters successfully extinguished the fire in Riggs' pickup, and then moved their pump equipment over the hill to the construction trailer and second truck. Tr. 471-72. The firefighters moved the second truck away from the ANFO-filled trailer. Tr. 476. As the responders began trying to douse the trailer flames, the trailer unexpectedly exploded with massive concussive force. Tr. 478-79. All six firefighters in the vicinity were immediately killed, and one of their fire trucks, parked next to the trailer, was disintegrated. Tr. 357. 482, 923, 2898. Approximately forty minutes later, yet another ANFO-filled trailer, which had been ignited by the first trailer fire/explosion, also exploded, in an even larger blast heard miles away. Tr. 404-05, 482, 918, 1634.

II. The Investigations and Charges

Separate state and federal investigations followed. Tr. 363, 383-84. The state investigation focused on several individuals with criminal histories who resided in the area, including Bryan Sheppard, who lived in a neighborhood near the construction site. Id. This effort was abandoned after a jailhouse informant who had implicated Sheppard was found to have fabricated his information and several other witnesses refused to testify after being housed with Sheppard in prison. Tr. 3294. Meanwhile, the initial federal investigation, which focused on potential involvement of organized crime in the arson pertaining to labor unrest, became dormant.

In 1994, the federal investigation was revived when a task force led by the agency then known as the Bureau of Alcohol, Tobacco and Firearms (ATF) was formed to look again at this unsolved crime. As part of the revived effort, Unsolved Mysteries in 1995 broadcast a reenactment of the crime and announced a $50,000 reward. Ultimately, the renewed federal investigation led to the identification of dozens of individuals who had heard one or more of the five defendants make admissions about their involvement in the arson. The investigation also resulted in defendant Darlene Edwards making a recorded confession to law enforcement that she, Bryan Sheppard and Richard Brown had driven together to the construction site on the night of the arson.

In June 1996, a federal grand jury returned an indictment against the defendants, charging them with arson, in violation of 18 U.S.C. §§ 844(i) and 2.
III. Pre-Trial Disclosures

Prior to the trial, the government produced voluminous discovery, including hundreds of pages of potentially exculpatory information. Tr. at 502. Among the documents produced to the defendants were reports of interviews of individuals who implicated guard Deborah Riggs in carrying out the arson in exchange for insurance money, and other reports suggesting that Riggs and another guard, Donna Costanza, committed the arson.

IV. The Trial

In January 1997, a seven-week trial commenced against all five defendants. The prosecution’s evidence was entirely circumstantial. There were no eyewitnesses or physical evidence linking the defendants to the fire that caused the explosion. Tr. 3872, 3900, 3915. Testimony about the motive for the arson varied among witnesses, but the basic theme was that the defendants had set the fires to divert security guards at the site and/or to cover up evidence of their planned theft of items from the construction site. Tr. 354. The government called 80 witnesses, 59 of whom testified to having heard one or more of the defendants admit their guilt. For each defendant, there were at least half a dozen witnesses, and in some cases more than a dozen witnesses, who testified to admissions by that defendant.

The government’s evidence against Darlene Edwards included her taped confession to investigators in 1995 that she drove Bryan Sheppard and Richard Brown on the night of the arson – first to a gas station to fill a gas can, and then to the construction site where Sheppard and Brown stated that they were going to set a fire to divert security guards while they stole items from the site – buttressed by her post-arson admissions to three inmates, as well as testimony by her daughter Becky Edwards that she heard her mother and the four other defendants planning to rob the construction site during the week before the arson. As the Eighth Circuit observed, fifteen witnesses testified to admissions by Richard Brown. This testimony included recollections that Brown “went down there to steal and on the way down there they were out of gas and had to get some gas”; that Brown became angry when trying to get into the trailer and lit a fire with gas; and that they set a pickup truck and then a trailer on fire. United States v. Edwards, 159 F.3d 1117, 1122-23 (8th Cir. 1998). Seven witnesses testified to admissions by Earl Sheppard, for example, that he and others had been at the site to steal; that “they were stealing tools from the construction site”; that they “set fire to cover up the stuff they had taken”; and that the “gas came from the Quik Trip station on 71 Highway.” Id. Thirteen witnesses testified that Bryan Sheppard said, for example, that “they went to steal batteries and they set the fire to cover their tracks and they saw two security guards and they ran,” and that “he set a fire as a diversion to go steal some explosives.” Id. Moreover, one witness overheard Bryan Sheppard say to Frank Sheppard, “I’m not like you and the other guys. I can’t live with myself because of the death of them firemen, and it’s eating me up.” Finally, twelve witnesses testified that Frank Sheppard said, for example, that “the fire was set as a diversion and that they didn’t know explosives were in the dump truck”; that “someone had drove him and someone else to get some gas that they had used to start the fire”; and that “they were down there trying to get

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3 Pursuant to Bruton, Edwards’ confession was redacted to eliminate the two co-defendants’ names. Tr. 2129.
into the trucks and they weren’t able to get anything and decided to pour gasoline on them and get them on fire.” Id.

The government argued that the large number of post-event admissions should be believed because “you don’t tell people you cause[d] six men to die unless you did it.” Tr. at 3769. Numerous witnesses also testified to various other inculpatory facts, including seeing the defendants congregated together in various groups shortly before and after the explosions, and seeing Bryan Sheppard several hours after the explosions smelling of gasoline and smoke and appearing to have several abrasions. Tr. 2946, 3042.

The defense called 16 witnesses at trial, including alibi witnesses and two local detectives who impeached some government witnesses by recounting that during the initial local investigation, those witnesses had denied knowing who carried out the arson.

The jury returned a guilty verdict as to each defendant. Tr. 3980. On appeal, the defendants’ convictions and sentences were affirmed. See Edwards, 159 F.3d 1117. Petitions for rehearing and rehearing en banc were denied in December 1998, and a petition for certiorari was denied in October 1999. The defendants subsequently filed collateral attacks on their convictions, all of which were dismissed and as to which certificates of appealability were denied. In their petitions, the defendants alleged, among other things, that newly-discovered evidence in the form of an affidavit from [b](6), [b](7)[(C),] established that Donna Costanza had admitted setting fire to Riggs’ truck because, while Riggs wanted the insurance money, Riggs was afraid to set the fire herself. [b](6), [b](7)[(C).] The affidavit also alleged that John Neil overheard these statements. The court rejected the defendants’ claim because the government established that it had disclosed this information to each defendant’s lawyer prior to trial.

V. The Star Articles

In a series of articles beginning in 2007 and continuing through 2009, the Star reported that civilian witnesses connected to the investigation had been pressured by law enforcement to provide false testimony, that others had in fact lied, and that new evidence showed that Riggs and Costanza, not the defendants, set the fire that led to the fatal blast.

VI. The Criminal Division Review

In July 2008, the United States Attorney for the Western District of Missouri asked the Department of Justice to investigate the Star allegations, so as to avoid any appearance of partiality. The Office of the Deputy Attorney General assigned the Criminal Division, which assembled a team comprised of a Criminal Division prosecutor and a Special Agent from the Department of Justice Office of Inspector General. A Special Agent from the ATF was assigned to act as a liaison with ATF, providing assistance in obtaining relevant reports and other information. From 2008 to 2011, the team conducted an extensive investigation, interviewing individuals identified in the Star articles, numerous other civilians and law enforcement officers, and a Sheppard defense attorney. In addition, the team secured the files of the assigned AUSA, [b](6), [b](7)[(C)], and reviewed those materials along with the 4,000 page trial transcript. The review
team also reviewed post-trial affidavits by several individuals who either recanted their trial testimony or asserted that they had other information regarding the arson.

Analysis

Set forth below is the review team's analysis, divided into five sections: (1) alleged false trial testimony; (2) alleged undue pressure or coercion; (3) allegedly withheld exculpatory evidence; (4) alleged involvement of the security guards; and (5) newly-discovered information. As described below, based on the information obtained during its review, the review team found no credible support for the Star's allegations that witnesses had recanted, given false testimony or were subjected to undue pressure, and found no evidence that would have called into question the defendants' guilt of the crimes charged.

I. Alleged False Trial Testimony

The Star identified five trial witnesses who allegedly falsely implicated the defendants: Joe Denyer, Becky Edwards, Carie Neighbors, Shannon Reimers, and Jerry Rooks. Two of these individuals—Neighbors and Reimers—were located and agreed to be interviewed.\(^4\) Notwithstanding the reporting in the Star, both of these witnesses confirmed that they had testified truthfully.

A. Carie Neighbors [Protect Identity]

Carie Neighbors dated defendant Bryan Sheppard prior to the arson and remained friends with him thereafter. Neighbors testified at trial that she heard defendants Sheppard and Richard Brown admit they set the fires at the construction site to try to cover up their attempt to steal batteries there. Tr. 1999. The Star reported that Neighbors told the newspaper that Special Agent had " pressured her " to provide that testimony by threatening to take Neighbors' son " away." Neighbors had also signed an affidavit, dated June 26, 2004, in which she recanted her trial testimony, and further stated that the government had given her a check for $836 after her testimony, which she used to move because she was afraid the government would prosecute her.

During her interview with the review team, Neighbors stated that her trial testimony was true. Neighbors also disclosed several previously-unreported facts implicating Bryan Sheppard and Richard Brown in the charged crime. First, Neighbors recounted that, on December 31, 1988, after she and Bryan Sheppard left a party in Sheppard's car, Sheppard admitted to Neighbors that he was responsible for killing the firefighters. Second, Neighbors stated that Sheppard told her he had stolen dynamite and given it to a woman named to hold. In this regard, Neighbors further told the review team that her apartment building manager told Neighbors she had dynamite that Bryan Sheppard and Richard Brown had stolen and was keeping it as a "souvenir."

\(^4\) As to the remaining witnesses, Defendant Darlene Edwards, declined to be interviewed, and Denyer and could not be located despite a diligent search.
Neighbors stated that she had recanted to the Star, and in her affidavit, because she feared retaliation from the Sheppard family because of her trial testimony, and out of sympathy for Bryan Sheppard, who, when she signed the affidavit, was professing his love for Neighbors from jail.

As to Special Agent Neighbors noted that while she found him to be a “bully” and very stern and persistent, he was also professional and never asked her to provide false information or testify falsely. Neighbors further stated that, on the day of her testimony, when Neighbors told Special Agent that she did not want to testify, he advised her that if she refused to testify, she would be jailed and her son would be taken away from her. Special Agent denied making any such statements. Neighbors also stated that, prior to her testimony, her boyfriend’s car was vandalized, prompting her to express concern for her safety to the ATF. In turn, Neighbors said, ATF gave her approximately $800 toward relocation costs. This information about the relocation money, which the review team does not consider material to claims of actual innocence, does not appear to have been provided to the defense.

In sum, Neighbors has reaffirmed the accuracy of her trial testimony and provided additional inculpatory information.

B. Shannon Reimers

Shannon Reimers was living with defendants Darlene Edwards and Frank Sheppard at the time of the arson, and is the sister of defendant Richard Brown. Reimers testified at trial that, following the second explosion at the construction site, she returned to Darlene Edwards’ house and saw Darlene Edwards, Frank Sheppard, and at least one other person in the living room. Tr. 2328. The Star reported that Reimers admitted her testimony was “inaccurate” and that she was “intimidated” by Special Agent so much so that she “told him what he wanted to hear just to get rid of him.” According to the Star, Reimers also said she also was pressured by Special Agent to make statements in court, and that other witnesses testified purely for reward money: “It was all about money...and about threatening,” Reimers said.” In addition, Reimers signed an affidavit, dated September 19, 2005, making similar allegations about Special Agent and further asserting that Special Agent and AUSA had suggested to Reimers certain facts they wanted her to say despite her lack of personal knowledge. Notably, in the affidavit, Reimers confirmed that her most salient testimony – seeing Darlene Edwards and Frank Sheppard together at the house after the explosion – was truthful, but stated that her testimony that they were fully clothed at the time may not have been accurate, because the lighting was too dark for Reimers to see how they were dressed.

When interviewed by the review team, Reimers stated that her trial testimony was truthful. As to Special Agent Reimers stated that she felt very intimidated during her initial interview with him, as he was persistent in questioning her and was “leading her through the interview.” The review team found no evidence to suggest that Special Agent conduct went beyond traditional law enforcement investigative techniques or methods or was otherwise inappropriate.
II. Alleged Undue Pressure or Coercion

The Star reported that the government, and in particular Special Agent [Redacted], attempted to coerce numerous individuals who did not testify at trial, allegedly for the purpose of persuading them falsely to implicate the defendants or to dissuade them from exculpating the defendants. In addition to defendant Darlene Edwards and five individuals discussed in the previous section – Joe Denyer, Carie Neighbors, Shannon Reimers, and Jerry Rooks – and a sixth, discussed in Section III, below – the Star identified the following 12 other individuals, none of whom testified at trial – as allegedly having been pressured in this manner: Dave Dawson, Michael DeMaggio, Johnny Driver, Buster Hower, Chuck Jennings, Steve Malmberg, Bruce Picham, and Larry Summers. The review team interviewed 8 of these 12 individuals, namely: DeMaggio, Hower, [Redacted], and Summers. The team also interviewed numerous current or former law enforcement officers who had worked at various times on the investigation – all of whom reported that neither Special Agent [Redacted] nor AUSA [Redacted] placed undue pressure on witnesses or otherwise strayed from the bounds of professional conduct during the investigation and prosecution.

The review team found no credible instance of undue pressure by law enforcement officials to have any witnesses alter their factual accounts or otherwise testify falsely. Moreover, several of the individuals identified by the Star as having been coerced denied any such coercion. Additionally, most of the individuals interviewed who claimed to have been coerced either possessed no relevant information or possessed potentially relevant information that was known or available to the Sheppard defense team prior to trial.

A. [Redacted]

of defendant Bryan Sheppard’s [Redacted] did not testify at trial. The Star reported that Special Agent [Redacted] had “pressured [Redacted] to incriminate the defendants.” [Redacted] advised the review team that she was asleep at the time of the arson explosions. [Redacted] stated that she believed Bryan Sheppard was innocent, but did not suggest she had any information supporting this. [Redacted] stated that, when Special Agent [Redacted] interviewed her at home, he was professional, but persistent and repetitive in his questioning, prompting her to leave the interview. Although she perceived that Special Agent [Redacted] wanted to implicate the defendants, [Redacted] did not provide any factual support for that assertion or to state that Special Agent [Redacted] was a forceful and repetitive questioner.

[Redacted] (defendant Darlene Edwards) and Valerie Rocha (defendant Bryan Sheppard’s girlfriend) declined to be interviewed. Despite indicating a willingness to be interviewed, [Redacted] (a friend of defendants Richard Brown and Bryan Sheppard) did not answer or return repeated calls seeking an interview. [Redacted] was not located despite a diligent search.
B. (b) (6), (b) (7)(C)

Defendant Richard Brown’s family who, during the relevant period, did not testify at trial. The Star reported that fabricated lies about defendant Brown in exchange for help with a pending criminal case. When interviewed by the review team, stated that, when he first informed local detectives that he had no information concerning the arson, the detectives allegedly told they possessed tape recordings of and some of the defendants in which the defendants admitted their involvement. The detectives allegedly further told that, if he did not admit what he knew, the detectives would file false robbery charges against him. He claimed that, thereafter, he was charged with several robberies, and was convicted even though he was innocent. He claimed that, years later, Special Agent tried to pressure into saying that defendant Brown had admitted his involvement in the arson, prompting to make inculpatory statements regarding Brown. Alleged that, subsequently, he was arrested and convicted in connection with other robberies he allegedly did not commit. Based on a number of factors, including during his interview and his claims of having been repeatedly convicted of robberies he did not commit, the review team found claims of inappropriate law enforcement pressure or conduct not to be credible. Indeed, the Sheppard defense team was aware of and decided not to call him as a witness after concluding that he had lied about material facts. Tr. at 3733.

C. Mike DeMaggio

DeMaggio, who was dating Shannon Reimers at the time of the arson and was living with defendants Darlene Edwards and Frank Sheppard, did not testify at trial. The Star reported that ATF agents threatened DeMaggio after he failed to provide inculpatory information. When interviewed by the review team, DeMaggio stated that he had no information concerning the arson. DeMaggio noted that people he believed to be ATF agents interviewed him while he was incarcerated, and that they presented him with a Miranda waiver form, which he signed. DeMaggio stated that, after he advised the agents that he had no relevant information, the agents calmly told DeMaggio that they would “make sure he’d stay in jail” by “set[ting] him up” for other crimes unless he provided information about the arson. In response, DeMaggio did not provide any information. Both agents who interviewed DeMaggio denied having made any such threat to DeMaggio. The review team does not credit DeMaggio’s account of the events. In any event, DeMaggio did not testify at trial.

D. Johnny Driver

Johnny Driver, the former cellmate of defendant Bryan Sheppard, did not testify at trial. The Star reported that Special Agent threatened to have Johnny Driver indicted for the arson if Driver did not implicate defendant Bryan Sheppard. During a telephone interview,

5 Criminal history records for Dawson reflect multiple convictions for robberies in the 1990s, as well as several other robbery charges that were dismissed.

7 Records indicate that ATF Special Agent interviewed DeMaggio on October 6, 1994.
Driver told the review team, in substance, that he reported to his attorney that he had spoken to Bryan Sheppard while the two were incarcerated together. The attorney arranged a meeting with police, and Driver gave a statement that chronicled Sheppard’s admissions regarding his involvement in the explosions. Driver then passed a police-administered polygraph examination regarding that statement. Driver told the review team that he never read that statement in its entirety, and did not say anything to police implicating Sheppard in the explosions. Driver also claimed that police taught him how to pass the polygraph. Driver said that Special Agent [redacted] attempted to have Driver affirm his signed statement and became upset when Driver would not do so, threatening that Driver would go to jail for a long time. Special Agent [redacted] told the review team that he did attempt to have Driver affirm his earlier statement but did not coerce or otherwise put any undue pressure on Driver. Driver’s story – that he never actually made a statement to police implicating Sheppard, yet passed a polygraph examination regarding the statement he claims never to have made because the police taught him how to do so – is not, in the review team’s view, credible.

E. Buster Hower

Hower, the brother-in-law of defendant Bryan Sheppard, did not testify at trial. The Star reported that Hower was pressured and intimidated by agents to stop helping Sheppard with legal fees. Hower told the review team that shortly after the death of his son and aunt (which occurred sometime after the charges in the Sheppard case were filed), two ATF agents approached him to discuss the case. Hower said he told the agents he preferred to speak directly to Special Agent [redacted], whom Hower had found to be professional during a previous interaction in the case.

Sometime thereafter, two FBI agents investigating the Oklahoma City bombing visited Hower and stated that Hower should provide an alibi because he matched the description of a suspect in the bombing. According to Hower, at no point did the FBI agents mention Sheppard’s legal defense, but Hower nonetheless speculated that the agents’ visit to speak with him about the Oklahoma City bombing – at his business, while customers were present – was designed to send him a message that he should not assist with Sheppard’s defense. Hower’s belief that he was being intimidated was therefore based on nothing more than his own speculation, and the review team therefore does not credit it.

F. (b)(6), (b)(7)(C)

(b)(6), (b)(7)(C) who had been friends with defendants Richard Brown and Bryan Sheppard, did not testify at trial. The Star reported that Special Agent [redacted] told [b](6), [b](7)(C) not to cooperate with defense attorneys or testify on defendant Richard Brown’s behalf, “or he would face charges for past crimes.” [redacted] told the review team that, when he was initially interviewed by local detectives, he stated that he was asleep on the night of the arson and had no information regarding it, other than speculating that it related to a union dispute. [redacted] added that he later spoke to Special Agent [redacted], whom [redacted] described as professional and courteous. However, [redacted] reported that, the night before trial commenced, Special Agent [redacted] confronted [redacted] at [redacted] house and stated that he knew [redacted] was testifying for defendant Brown. Special Agent [redacted] allegedly threatened to charge [redacted] with a burglary, [redacted] had committed, and also stated that he had three letters in which Jennings admitted to his girlfriend that he participated in the arson. The ATF found no such letters in its files, and Special
Agent [redacted] denied that this meeting occurred or that he threatened [redacted] in any way. In addition, even assuming *arguedo* that Special Agent [redacted] had made such statements to [redacted], it is not apparent what probative value trial testimony would have had, given that [redacted] denied having any knowledge of the arson.

G. (b)(6), (b)(7)(C)

Who was [redacted] Bryan Sheppard at the time of the arson and with whom she did not testify at trial. The *Star* reported that Special Agent [redacted] pressured to change her statement that defendant Bryan Sheppard was in bed the night of the arson. [redacted] however, told the review team that she informed the *Star* reporter that no one pressured her to provide incriminating information against the defendants or to change her account.

H. Larry Summers

Summers, a friend of defendant Bryan Sheppard, did not testify at trial. According to the *Star*, Summers alleged that Special Agent [redacted] encouraged him to say that Bryan Sheppard admitted involvement in the arson, and that doing so would “help the families of the dead firefighters.” Summers told the review team that he assumed, after reading other *Star* accounts of alleged coercion, that he had been coerced by Special Agent [redacted] as well. When asked to describe the coercion he perceived, Summers said that he felt pressured by the law enforcement officer who interviewed him to incriminate the defendants somehow. Summers stated, however, that the law enforcement officer interviewing him acted professionally and did not threaten him in any way, and Summers did not in fact falsely implicate the defendants.

Summers believed, based on the reporting in the *Star*, that Special Agent [redacted] had interviewed him. However, when the review team interviewed Special Agent [redacted], he had no recollection of interviewing Summers, and no records indicate that he did. Documents do indicate that a Kansas City Police Department detective had been seeking to interview Summers, but there is no record of an interview having occurred.

I. Conclusion

In sum, of the foregoing eight individuals identified by the *Star* as having been coerced, one – (b)(6), (b)(7)(C) – denied ever having told the *Star* that she had been pressured, while three others – (b)(6), (b)(7)(C) – Hower, and Summers – offered no factual basis for their claims and/or described Special Agent [redacted] or the other investigators as professional; at most, these three individuals described conduct that is not inconsistent with legitimate law enforcement interview techniques. Of the four individuals who purported to offer facts underlying their claims of coercion – DeMaggio, (b)(6), (b)(7)(C) – three provided stories that were contradicted by the particular agents involved, as well as by statements of other agents and officers about the manner in which the investigation was conducted; one provided an account that is unsupported and simply unbelievable; and one was so lacking in credibility that the defense abandoned plans to call him as a defense witness after learning of his prior false statements.
Moreover, most of these individuals either had no information about the arson, provided no information implicating the defendants in response to the alleged coercion, or provided information that was available to the defense. Only claimed that law enforcement manufactured their statements implicating one or more of the defendants, but for the reasons set forth above, the review team found their claims not to be credible.

III. Allegedly Withheld Exculpatory Information

The Star reported that the government may have ignored or suppressed information favorable to the defense provided by the following individuals: Debra Cearley, Ella Hutton, and Patti Smith. Having interviewed each of these individuals, the review team has concluded that the information provided by Debra Cearley, Ella Hutton, and does not appear to have been produced prior to trial, while the information provided by Patti Smith was provided to the defense prior to trial. The review team concluded that none of this information would have called into question the defendants’ guilt of the crimes charged.

A. Debra Cearley

Cearley, who at the time of the arson was dating and is now married to Allen Bethard (a friend of defendants Richard Brown and Bryan Sheppard), did not testify at trial. The Star reported that Cearley had advised Special Agent that, contrary to information provided by neither Richard Brown nor Bryan Sheppard admitted at a party to having participated in the arson, and Cearley did not have any video tape of the same party. The Star reported that according to Cearley, Special Agent had made clear to Cearley that he “didn’t like anything [Cearley] had to say.” When the review team interviewed Cearley, Cearley reiterated this information, and also added that, when she was initially interviewed by local detectives, the detectives allegedly threatened to incarcerate her and take her baby away if she did not tell the truth – threats that did not cause Cearley to vary her statements. Based on the review team’s study of the record, Cearley’s denial that Brown or Bryan Sheppard made

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4 The Star also reported that John Barchers – a government witness who testified at trial regarding admissions made by Frank Sheppard and Earl Sheppard about their involvement, along with their Sheppard Baker (hereinafter) – had assisted federal investigators by wearing a recording device in an unsuccessful attempt to record incriminating statements. The Star reported that transcripts of the conversations, which Barchers said contained no admissions, were not provided to the defense. The review team located three tapes in Barchers’ ATF file, which appear to be conversations between Barchers and Naomi Sheppard – the mother of Earl, Frank, and the grandmother of Bryan Sheppard – who was not a defendant. The review team was unable to determine whether the tapes and/or transcripts were provided to the defense, and the review team was unable to interview Barchers before his death in November 2008. However, the review team did determine that a written statement made by Barchers recounting (1) admissions made by Frank Sheppard, Earl Sheppard, and and (2) statements by the effect that she thought Frank and Earl had something to do with the explosion, as well as Barchers’s grand jury testimony, were provided in discovery.
admissions about the arson at a party do not appear to have been produced prior to trial, although it also appears that there was no testimony introduced at trial about any such admissions having been made in the first place, so it is not at all clear that Cearley’s information would have been ultimately admissible.

B. Ella Hutton

Hutton, who at the time of the arson lived near the construction site, did not testify at trial. The Star reported that Hutton had come “forward with new information” but that she “didn’t want to hear it because it didn’t corroborate the testimony of another witness.” Specifically, the Star reported that sometime after the explosion, Hutton had seen defendant Richard Brown as a passenger in a white pickup truck parked near her home, which was close to the site of the blast. According to the Star, Hutton reported that Brown – who was wearing clean clothes and did not smell of gasoline – asked her whether she had seen anyone leave the explosion site. The Star reported that Hutton claimed that Special Agent [Redacted] had advised her that other witnesses had reported seeing Brown and Bryan Sheppard together in a black pickup truck after the explosion, dirty and smelling like gasoline. According to the newspaper, Hutton said that Special Agent [Redacted] tried to get me to say I saw stuff I didn’t see. He wanted me to back up his witness, but I wouldn’t do it.”

When interviewed by the review team, Hutton stated that, after the first explosion, two white males in a white pickup truck pulled into her driveway, and the passenger asked whether Hutton had seen anyone leave the site. At the time Hutton had described the passenger to her [Redacted], who said the description fit that of Johnny Driver. Hutton stated that she provided this information to a local detective in 1989, and was shown a photo line-up in which she identified the man she believed was driving the truck. When Hutton asked the detective whether he had a picture of Johnny Driver, the detective became angry and stated that he wanted to leave Driver out of this. Hutton stated that, after the airing of Unsolved Mysteries in 1989, ATF agents interviewed Hutton and presented a different photo line-up, in which Hutton identified the passenger in the truck. After Hutton initialed the photo, she saw that the name “Richard Brown” was written on the back. Hutton stated that the ATF agent who gave her the line-up told Hutton not to tell anyone about the identification. The ATF agent who conducted this interview said she has no recollection one way or the other of Hutton’s having seen Brown’s name on the back of the photograph. The agent does, however, recall telling Hutton that the person she had picked was not “Johnny Driver.”

In a subsequent 1996 interview by people Hutton thought were ATF agents, but who were actually detectives from the Kansas City Police Department, Hutton asked whether she would be a trial witness. According to Hutton, one of the detectives told her that she would not because her information conflicted with information provided by Darlene Edwards, who had said Richard Brown was the driver and Bryan Sheppard was the passenger. Hutton also stated that the interviewers repeatedly asked her whether she was sure Brown was the passenger, and not the driver. (The documents pertaining to these interviews, including the line-ups, indicate that Special Agent [Redacted] was not among the investigators who interviewed Hutton, contrary to the Star’s assertion.)
While Hutton’s information was, according to the assigned AUSA, in the government’s possession prior to trial, it does not appear to have been provided to the defense. However, Hutton told the review team that after the defendants were sentenced, she contacted Brown’s defense attorney and told him what she had witnessed that night.

C. [b(6), (b)(7)(C)]

[b(6), (b)(7)(C)] who did not testify at trial, told police during a 1990 interview that, on the night of the arson, she was driving by the construction site and saw a truck on fire, along with two similar-looking vehicles that appeared to be spotlighting the construction site area “as if [the two vehicles] were looking for someone.” When she arrived home, [b(6), (b)(7)(C)] called 911 and reported the information, but the police never came out to interview her until August 1990. In that interview, [b(6), (b)(7)(C)] stated that she heard an explosion followed by another one, shortly after arriving home. When interviewed by the review team, [b(6), (b)(7)(C)] stated that, as she drove past the construction site that night, she saw a white pickup truck on fire and saw two unmarked white cars with spotlights, which appeared to be security vehicles, circling around the site.

While the 1990 account – which arguably suggests the possible involvement of security guards in the arson – was, according to the assigned AUSA, in the government’s possession prior to trial, it does not appear to have been provided to the defense.

D. Patti Smith

Smith, who dated defendant Earl Sheppard for a short period before the arson and remained friends with him after the arson, testified at trial that she had witnessed Earl Sheppard admit to his [b(6), (b)(7)(C)] that he killed the firefighters. Smith also testified that, about one week later, she heard defendant Frank Sheppard admit that he and Earl Sheppard had stolen items from the site a few days prior to the arson and that they had sent their [b(6), (b)(7)(C)] down the hill to set the blaze on the night of the crime. Smith also testified that Frank Sheppard had bragged about being on the site when the explosions occurred and that rocks had fallen on them during the explosion. The Star reported that Smith possessed exculpatory information about defendant Bryan Sheppard, but that “federal authorities told her they were not interested in innocence claims about Bryan Sheppard.”

During the interview by the review team, Smith reaffirmed her trial testimony. Smith also stated that at one point, [b(6), (b)(7)(C)] of Earl, Frank, and [b(6), (b)(7)(C)] and the grandmother of Bryan Sheppard – told Smith she believed that Bryan Sheppard was innocent, and that it was Earl Sheppard’s fault that Bryan was in jail. Smith also stated that [b(6), (b)(7)(C)] was friends with Deborah Riggs. Smith stated that, about one to two years after the arson, Earl Sheppard and another individual, Joe Everhart, told Smith that Deborah Riggs was a security guard at the construction site, and that the “guards looked away when they were up there.” Smith told the review team that she had met with Sheppard case defense attorneys prior to trial, and that Special Agent [b(6), (b)(7)(C)] with the Department of Labor OIG Special Agents [b(6), (b)(7)(C)] had accompanied her at her request. That meeting ended after only brief questioning because the defense attorneys and Special Agents [b(6), (b)(7)(C)] were arguing. Prior to the attorneys leaving, the attorneys asked Smith whether she would be willing to meet with them alone. Smith refused. Smith was not subsequently interviewed by the defense.
The review team has determined that Smith’s information was disclosed to the defense prior to trial, as reflected by the discovery production to the defense team. The substance of Smith’s inculpatory February 2009 statement to the review team that Earl Sheppard and Joe Everhart had told her that the “guards looked away when they were up there” was new information that was not previously known to the prosecution.9

9 In addition, the Star asserted that other new information came from Linda Peak, partially corroborated by her father, William Goff. At the time of the arson, Peak and Goff lived across the street from defendant Richard Brown. Peak was called as a defense witness at trial; Goff was not called to testify. The Star reported that, on the night of the arson, Peak and Goff had both seen defendant Richard Brown standing outside his house at a time when Brown allegedly was fleeing the construction site. The Star further reported that Peak had revealed new information that she had seen Brown’s truck – the same truck other prosecution witnesses testified they saw in another location seconds after the first blast – parked in his driveway. Peak told the Star that she did not offer that information at the trial because “[n]obody ever asked [her].”

When interviewed by the review team, Goff said that he was woken up by the first explosion at the site that night and, after the second explosion, went outside with Peak to see what had happened. At that point, Goff saw defendant Brown standing on his porch wearing nothing but a pair of blue jeans and appearing to have just woken up. Goff walked out to the street and had a very brief conversation with Brown, who said something to the effect of, “What the hell just happened?” Goff said that Peak also had a brief conversation with Brown, but did not know what was said.

During the review team’s interview of Peak, Peak made statements similar to those made by Goff, except that Peak recalled hearing only one explosion, which woke her up (based on Goff’s statements and Peak’s having heard only one explosion, this appears to have been the second explosion) and also described seeing Brown’s truck outside his house at the same time she saw Brown.

The review team has determined that both Goff and Peak were known to the defense. Goff recalled being interviewed by defense investigators. Moreover, Peak testified for the defense at trial, and more than six months prior to trial gave a recorded statement to a defense investigator.
IV. Allegations Regarding Information Suggesting Involvement of Security Guards

In its reports, the *Star* identified information from a number of witnesses who it claimed incriminated Deborah Riggs and Donna Costanza, two security guards who worked at the construction site. Costanza was supposed to work the night shift with Deborah Riggs on the night of the arson after having worked an earlier shift with another guard, but Costanza had gone home before the end of her shift after experiencing engine trouble with her vehicle. Another guard, Robert Riggs – the owner of the security company working the site and the brother of Deborah Riggs – came in to relieve Costanza and was on duty with Deborah Riggs at the time of the arson/explosions. According to the *Star*, those witnesses included [b](6), [b](7)(C) [b](6), [b](7)(C) Antonio Garcia, [b](6), [b](7)(C) John Neil, and [b](6), [b](7)(C) [b](6), [b](7)(C) The review team interviewed Garcia, [b](6), [b](7)(C) and Neil, Deborah Riggs retained counsel and declined to be interviewed; did not return calls seeking an interview. However, substantial potentially exculpatory material was disclosed prior to trial, including information from [b](6), [b](7)(C) Garcia, [b](6), [b](7)(C) Neil, and others suggesting that Riggs and/or Costanza were involved in the arson. Moreover, several of the witnesses identified by the *Star* either testified at trial or were otherwise known to the defense prior to trial. In any event, the review team has concluded, as set forth below, that the information provided by these witnesses would not have called into question the defendants’ guilt of the crimes charged.

A. Antonia Garcia

Garcia was friends with Deborah Riggs. The *Star* reported that Garcia had signed an affidavit stating that Riggs had admitted her involvement in the arson to Garcia. During the review team interview, Garcia stated that Riggs came to Garcia’s apartment the morning the explosions occurred and appeared upset and nervous. Riggs made comments to the effect of: “I know they are going to pin this on me and Donna. I was involved in something bad. It’s awful, they didn’t mean for anyone to get killed.” This information, which was not previously known to the prosecution, was consistent with other information produced to the defense prior to trial that suggested that Riggs and/or Costanza were involved in the arson.

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10 See, e.g., June 1, 1993 interview of John Neil chronicling Donna Costanza’s admissions that she helped a fellow security guard [Deborah Riggs] burn her truck for insurance money, which resulted in the explosions that killed the firefighters. Discovery Receipt 11, Doc. 75; and February 16, 1994 statement of [b](6), [b](7)(C) the same), Discovery Receipt 11, Doc. 24; see also Reeder Memorandum to Defense Attorney John Osgood, dated July 15, 1996 (reporting Clay County Sheriff’s Captain Ron Nicola’s efforts to inculpate Donna Costanza and Deborah Riggs in the fires on an insurance fraud theory). In addition, the government provided information from a source stating that Donna Costanza had been told not to report to work the night before the explosion and that Deborah Riggs was a fraud artist who would do anything to obtain money. See March 16, 1989, Anonymous Source Report by Detective Fraise, Discovery Receipt 1, No. 111.
B. (b) (6), (b) (7)(C)

was a woodcutter at the construction site. The Star reported that, prior to the arson, Riggs had offered money to burn her truck so she could collect insurance money, and that on the night of the arson, had seen a woman run away from a burning truck near the trailers.

During a January 17, 2007, interview with the ATF, reported that sometime prior to the arson, Riggs asked him if he would burn a pickup truck in exchange for $500 and that several days later Riggs increased the offer, but he refused. On February 7, 2007, shortly after receiving the ATF report regarding this interview dated February 5, 2007, AUSA disclosed statements to the defense.

During the review team interview, stated that some weeks prior to the arson, Costanza asked whether he would burn a pickup truck in exchange for $500. A few days later, both Costanza and Riggs asked about burning the truck. When refused, Costanza offered for more money, but was refused again. According to Riggs, came “red in the face” at that point, as if she was angry with him for refusing. stated that, on the night of the arson, another woodcutter, Shawn Roma, asked to meet Roma at the construction site, where Roma planned to sell back equipment Roma had stolen from burned with a handgun, went to the construction site, where he and Roma had an argument, and shot in the air in Roma’s direction and then left the construction site for a short period. According to when he returned to the construction site, he saw a woman who looked like Costanza running from near a burning truck. stated that he did not tell anyone this information at the time because there was a pending warrant for his arrest.

Although there are some apparent differences as to whether Costanza, Riggs, or both solicited him to burn the truck, the statements made to the review team are substantially similar to those made during his 2007 ATF interview which, as noted above, were promptly provided to the defense.

C. John Neil

frequented a hamburger stand called Stacks, where Costanza worked part-time. The Star reported that Neil had “overheard Costanza admit she and Riggs were attempting to set fire to Riggs’ truck when ‘things got out of hand.’” When interviewed by the review team, Neil stated that, approximately two months after the arson, he was standing behind Stacks and overheard Costanza and another Stacks employee, talking. According to Neil, Costanza stated that “they f*****d up” when Riggs was trying to do “an insurance job” on her truck and that it got out of hand. Costanza further stated that she would “blow anyone’s head off” if they said anything about this. As noted above, a statement by John Neil implicating Riggs and Costanza in the arson was produced to the defense in discovery prior to trial. The review
team found that Neil’s statements to the review team are substantially similar to his prior statement about Riggs and Costanza that was provided in discovery.\textsuperscript{11}

V. Newly-Developed Information

During its review, the review team identified several newly-developed pieces of information that were not previously known to the prosecution. Significantly, this newly-developed information suggests that Deborah Riggs and Costanza may have been involved in the arsons in addition to – and not to the exclusion of – the defendants. The review team has concluded that this newly-developed information would not have called into question the defendants’ guilt of the crimes charged.

A. Donna Costanza

Costanza was a security guard at the construction site who worked with and had dated Deborah Riggs. Costanza does not appear to have been interviewed by law enforcement prior to the review team’s interviews. During the interviews, Costanza provided the following new information:

- Costanza stated that Riggs had carried a gas can in the back of her truck, because the fuel gauge on Riggs’ vehicle did not function.\textsuperscript{12}
- Costanza also stated that, prior to the evening of the arson and explosions, Riggs asked Costanza if she was interested in burning Riggs’ truck for insurance money. Costanza said that she refused.
- Costanza further stated that, some months after the arson, Riggs told her not to call Riggs ever again because Riggs did not want Costanza “to get into trouble.”
- Costanza thought that Riggs may at one time have had a girlfriend named [redacted].

\textsuperscript{11} Last, although not reported in the Star, defendant Richard Brown’s [b](6), [b](7)(C) claimed in an interview with the review team that the trial AUSA told her during trial that he believed her son was innocent, but that the government planned to convict him anyway. The review team does not credit her claim, given her mental state and given that none of the many other civilian and law enforcement witnesses (and non-witnesses) the review team interviewed suggested that the trial AUSA comported himself on any occasion in such a manner.

\textsuperscript{12} Although this information does not appear to have been provided by Costanza to law enforcement prior to the review team’s interview, the defense appears to have been aware of this information during the trial and made reference to it as part of an unsuccessful attempt to recall Deborah Riggs as a witness. See Tr. at 3426-28.
B. (b)(6), (b)(7)(C)

W was friends with Riggs and Costanza. The Star did not report about but an attorney provided the review team with an affidavit. The attorney gave the attorney in July 2007. During her review team interview, W stated that the Sunday night prior to the arson, Costanza and Riggs were together at Riggs' house to watch a movie. Before turning the movie on, Riggs announced that she wanted to burn her truck for insurance money. When W told her that was wrong, and that Riggs would get caught, Riggs stated that she had gotten rid of a vehicle before and could get away with it again.

VI. Conclusion

Based on its inquiry, the review team found no credible evidence to support the Star's allegations and no evidence that would have called into question the defendants' guilt of the crimes charged.
Interview of Johnnie Ray Neil, Witness

On July 30, 2009, and DOJ Attorney John Cox conducted a telephone interview with Johnnie Ray Neil, a witness who was mentioned in a Kansas City Star newspaper article, printed on June 28, 2008. The Star reported that Neil said, “he overheard Costanza admit she and Riggs were attempting to set fire to Rigg’s truck when ‘things got out of hand’.” (Donna Costanza and Debbie Riggs were employed as security guards at the construction site at the time of the explosions).

Neil provided the following information during the interview:

Approximately two months after the explosions at the construction site, Neil went to a hamburger stand named “Stacks” to get something to eat. Neil’s owned Stacks at the time, and he ate there often. Neil was behind the restaurant and was walking up to an outside cooler adjacent to the back door of Stacks. At this time, he heard Donna Costanza and , both of whom worked at Stacks, having a conversation. Neil recalls Costanza saying that they “fucked up” and Debbie was trying to do an “insurance job” on her truck and it got out of hand. Neil recalls Costanza then saying that she would blow anyone’s head off if they ever said anything about this. Neil said that Costanza had a sawed off shotgun behind the counter at this time.

The Costanza, and grew up together and were all friends and hung out. According to Neil, all of the girls in this group, with the exception of , were lesbians. Later on, a girl named Debbie (he was unable to recall her last name) became a part of this group once Costanza and Debbie worked as security guards together at the construction site.

Neil called his sister and told her about the conversation he overheard. mentioned that on a separate occasion, she heard a similar conversation regarding Riggs and Costanza being involved in an insurance scam.

Neil reported this conversation to at Clay County Sheriff’s Department. proceeded to investigate this matter. In fact, the Sheriff’s Department arranged an undercover operation where was going to bring Deputy into Stacks and say she was her friend in an attempt to get to talk about Costanza’s and Riggs’ involvement. Neil said this undercover operation only continued for a short time because, according to an anonymous source was pressuring to discontinue the undercover operation.

Soon after the explosions, an ATF agent interviewed Neil regarding the conversation he overheard between Costanza and Neil has a vague recollection of ATF agents interviewing him again years later, but is not sure. Neil was unable to recall the names of the ATF agent(s) who interviewed him.

After the trial, Neil was contacted by private investigators regarding this conversation he overheard. Neil does not recall ever speaking with defense attorneys or investigators; however a private
investigator told him the defense had his statement.

A couple years after the defendants’ conviction, a Kansas City Star reporter contacted Neil and interviewed him over the telephone. The reporter read Neil the statement he previously provided to the ATF and verified its accuracy. The reporter mentioned to Neil that he was an investigative reporter and believes the defendants may have been wrongfully convicted.

Approximately one year ago, the same reporter contacted Neil and he subsequently had a face-to-face interview with the reporter. The reporter again verified Neil’s statement regarding the conversation he heard between Costanza and DiGiovanni. The reporter mentioned that he was going to write another newspaper article because several witnesses were coming forward with different sides of the story.

Recently, a reporter or investigator contacted Neil about an upcoming “America’s Most Wanted” series, which Neil believes is related to the firefighter’s investigation.
From: (b)(6), (b)(7)(C)
To: Cox, John
Date: Wednesday, August 5, 2009 11:24:57 AM
Attachments: MOI, JPM
Interview of (b)(6), (b)(7)(C) Witness

On July 31, 2009, (b)(6), (b)(7)(C) and DOJ Attorney John Cox conducted a telephone interview with (b)(6) a witness who was mentioned in a Kansas City Star newspaper article printed on June 28, 2008. The Star stated that (b)(5), (b)(7)(C) said that Brown can’t be guilty, because she saw him standing in his front yard when he was supposed to be fleeing the scene. The article went on to say that (b)(6), (b)(7)(C) backed her story. The purpose of this interview was to inquire about what (b)(6) saw on the night of the explosions that occurred at the construction site.

(b)(6) provided the following information during the interview:

(b)(6) was neighbors with Richard Brown’s family at the time of the explosions. (b)(6) recalled that the first explosion woke him up, but neither he nor his family members went outside at that point. After the second explosion, (b)(6) went outside to see what happened. (b)(6) saw his neighbor, Richard Brown, standing on his back porch after the second explosion wearing nothing but a pair of blue jeans. It appeared to (b)(6) that Brown had just woken up. (b)(6) then walked out to the street and had a very brief conversation with Brown. Brown said to (b)(6) something along the lines of, “What the hell just happened?” (b)(6) also had a brief conversation with Brown, but did not know what was said.

(b)(6) recalled being interviewed by defense investigators, but had no further involvement in the investigation.
<table>
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<tr>
<th>From:</th>
<th>(b)(6), (b)(7)(C)</th>
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<tr>
<td>To:</td>
<td>Cox, John</td>
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<tr>
<td>Date:</td>
<td>Wednesday, March 16, 2011 3:05:29 PM</td>
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<tr>
<td>Attachments:</td>
<td>MOJ Driver, John.doc</td>
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</tbody>
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Do you have time to discuss?

From: Cox, John  
To: [b](6). (b)(7)(C)  
Subject: (b)(6). (b)(7)(C)  
Date: Thursday, March 17, 2011 11:08:00 AM  
Attachments: [b](6). (b)(7)(C)

Here is background, the article, our interview, and some transcript references re: defense efforts to impeach Debbie Riggs.

From the KC Star April 25, 2009 article:

“We did not receive that document, and it obviously would have been something we would have used to impeach the testimony of the security guards,” said Pat Peters, one of the defense attorneys.

Peters and others said the police report was not among the thousands of pages of investigative documents provided to them before the trial. They added that they’re not sure federal prosecutors ever had the report to give them.

“That document absolutely should have been turned over,” said John P. O’Connor, another of the defense attorneys. “I don’t see the government holding back that report on purpose, but that doesn’t matter under the rules governing discovery in criminal court.”


Selected transcript:

MR. BECKER: [Debbie Riggs] said in her testimony that she didn't tell the truth on a number of different points in this first interview. (Tr. p. 3387).

MR. BECKER: I brought out the specifics. Those were three specific things. It was whether or not she was supposed to be working that night at all or she just brought down a sandwich, which is what she says in this video, and in fact she had been scheduled to work.

Two, that she was by herself and her brother was across the road and that one fell
apart pretty quickly.
And then three, she did, in fact, -
there was cross examination -- quite a bit of she
never told the cops, she went back to get the gun
out of the case. And she said "I was never asked"
but I brought that out she never said that
initially. (Tr. p. 3387).

MR. PETERS: It means that the government has provided reports
that
show that Debbie Riggs, that suggest
that Debbie Riggs wanted to get rid of her pickup. I think,
we would suggest the Riggses have been impeached. As Mr.
Becker pointed out yesterday, she's changed her testimony as
to where they were at the time and all of that. (Tr. 3516-17).

THE COURT: Are you saying that this proves that
the Riggs truck was torched by the Riggses that night?
MR. PETERS: I'm not, I don't -- I think that if we
were in a trial of arson on the Riggses for their truck, if
this was, you know, an insurance case and I came to you with
this information that it would certainly be considered
relevant. If I had known this information before, I
certainly would have asked their arson investigator would you
consider it significant if somebody says their truck was in
fine working order and that they never raised the hood and
that an independent witness says, yes, they were working on
it and the hood was raised. (Tr. p. 3519).

MR. PETERS: What we would suggest is the judge is
aware of the burden we have. There is a great deal of
inconsistency with the Riggses' testimony, beginning with the
three parts that Mr. Becker brought out that they changed
their statement to the police on fairly important details.
They originally had said Robert was on the east side, and
then Mr. Becker brought out that that was incorrect, that the
car had been there. The Court's heard testimony as to the
credibility of the Riggses. (Tr. p. 3520).

MR. PETERS: I don't think it matters why she had
her hood open. I think the reason she had the hood open is
because her truck stopped working and that's why she torched
it. You're asking, and that's what I think.
THE COURT: You mean she drove it there and it stopped working
while she was there
and then she decided she's going to burn it?
MR. PETERS: Right. (Tr. p. 3521-22).

MR. BECKER: I think it's a collateral matter.
MR. PETERS: It's new information, it's new
evidence that wasn't available when Deborah Riggs first
tested. It goes directly to her credibility on the issue
of whether or not her truck was operating properly at the
time. I made my offer of proof. She said that it was
operating and that her hood was never up that night. I've
advised the Court that we have an independent eye witness who
is a mechanic who describes the scene, is certain -- and it's
backed up by medical records if we wanted to go that far as
to when he drove past the scene going north to the hospital
with his daughter, and when he came back after midnight and
the truck was still there with the hood up.
THE COURT: Well, the government objects to that, and I think on the basis of the record we have now and the Riggses' testimony that it's -- well, regardless of the Riggses' testimony, I think it's collateral and not, I'll not admit it. (Tr. p. 3525).
Hi John,

Hope you are doing well. Attached is my report for Dave Dawson. I've also attached the trial transcript that reflected that Dawson was dismissed at trial, at the request of the defense attorneys, because he was found to have lied about material facts in the case.

Talk soon.

-----Original Message-----
From: INV CFO Email Scanner [mailto:NVCFQO@Chicago.OIG.COM]
Sent: Tuesday, October 06, 2009 12:13 PM
To: [b](6), [b](7)(C)
Subject: FOUO

FOR OFFICIAL USE ONLY

This e-mail contains unclassified information that may be withheld from the public because disclosure may cause foreseeable harm to an interest protected by one or more of the Freedom of Information Act (FOIA) Exemptions 2 through 9 identified in 5 USC 552(b).
VERY rough draft. I have to write a ridiculous number of reports today, so I couldn’t spent as much time as I wanted on it. Once we get all of the information in it after our phone call, I’ll clean it up.

Call me when you can. If I don’t answer, it’s just because I’m downstairs grabbing some lunch and will call when I get back.

Thanks
With changes. Let me know if you notice anything else. If good, I’ll submit for approval.

Have a good weekend!
Interview of Witness

On September 18, 2009, and DOJ Attorney John Cox conducted a telephone interview with a witness who was mentioned in three Kansas City Star newspaper articles, one dated February 18, 2007 and the other on June 30, 2008. These articles presented claims that he saw a woman he believed to be Donna Costanza (a security guard at the construction site) running away from a burning truck on the night of the explosion, and that Debbie Riggs (a security guard at the construction site) previously offered him money to burn her truck in order to collect insurance money.

The witness provided the following information during the interview:

Sometime in the fall of 1988, work was slowing down for and he needed extra money. He got permission from the construction company to cut wood on the construction site where the explosions occurred. For those few months leading up to the explosions, often cut wood on the construction site. On a couple occasions while cutting wood on the site, Massey interacted with two female security guards, Donna Costanza and Debbie Riggs. recognized Costanza and Riggs because he had seen them once before a couple months earlier at the Brothers III bar. He said that Costanza’s brother, who was affiliated with the mob, hung out there. believed Costanza and Riggs were a “couple”, and described them both as having blonde hair and being slightly overweight.

On the first occasion he encountered Costanza and Riggs at the construction site, he mentioned to them he saw them at Brothers III and they subsequently engaged in casual conversation. Soon after, , the President for the Union Workers, approached on the site and said he wanted to help get work for his union people on the construction site. According to , Costanza and Riggs saw him talking with . After conversation with , Costanza and Riggs approached and who he believed to be Costanza said she wanted to talk to him. In the presence of Riggs, Costanza said that he had the background they were looking for and asked him if he had ever done an insurance job. Costanza asked if he would burn an F-10 pickup truck in exchange for $500. Told Costanza he would think about it. A few days later, Costanza and Riggs approached again and told them he did not want to do the insurance job. Costanza offered more money, but once again he refused.

Recalls Riggs became “red in the face” when he refused their offer, as if she were angry.

According to , after he refused to help Costanza and Riggs with the insurance job, they began “harassing” him. Within a week’s time, had two or three confrontations with Costanza and Riggs on the construction site while he was burning and cutting wood. On these occasions, was burning a fire in a barrel and Costanza and Riggs told him he could not do that because of the explosives being stored nearby and asked him to leave the site. Refused to leave because he already had permission from the construction company to burn and cut wood in that area. After refused to leave, Costanza and Riggs became frustrated and walked away.

Recalls only talking to Debbie Riggs’ brother, Robert Riggs (security guard and owner of
security company), on one occasion, Massey and R. Riggs had a friendly conversation about motorcycles.

About a week before the explosion, Massey met Costanza’s brother (he does not recall his name) at Brothers III bar. Massey had seen Costanza’s brother once before, when he came to the construction site to visit Costanza. According to Massey, Costanza’s brother drove up in a Lincoln and was dressed nicely wearing a tie. Another woodcutter told Massey that this man was Costanza’s brother. At Brothers III bar, Costanza’s brother asked Massey why he would not help his sister of her friend out, insinuating the insurance job on the truck. Massey asked Costanza’s brother why he won’t do it himself, and he didn’t say anything and just glared at Massey. Massey told Costanza’s brother that he was not going to do it. Massey never saw him again after that.

On the night of the explosion, Shawn Roma called Massey at approximately 1:30 am to discuss woodcutting equipment. Roma and Massey cut wood together on the construction site, but had a disagreement. According to Roma (Roma stole a chain saw and two wood splitters from him). Roma asked Massey to meet him up on the construction site and wanted to sell him the equipment he stole from him for $5000. Roma grabbed his gun, which he always carried, and met Roma at the job site. They got into an argument over money and Roma threatened to burn the whole woodpile if he did not pay him. Roma got mad and shot over Roma’s head and told Roma to go ahead and burn the woodpile. Roma then left the site and headed to a nearby gas station. Shortly thereafter, Massey turned around and went back to the site to see if Roma was burning his woodpile. Roma then saw the pick-up truck that exploded against the explosives bunker was on fire. Seconds later, Massey noticed a woman he believed to be Costanza standing next to the burning truck, who then started running down the hill. Massey headed in Costanza’s direction down the hill, but he lost sight of her. As he got toward the bottom of the hill, he noticed a small pick-up truck on fire on the other side of the hill. Roma said this was the pick-up truck Riggs always drove and the one Costanza asked him to burn for $5000. Roma left the site again for several minutes and came back to see what was going on. By the time Roma went back to the site, he noticed a fire truck was already there so he continued to drive past. Massey recalls being approximately two miles past the site when he saw and heard a huge explosion that rocked his truck and lit up the sky.

The next morning, his father told Massey the explosions on the construction site had killed six firefighters. Massey was interviewed that afternoon by Detective of the Kansas City Police Department (KCPD). Roma told Massey he was asleep all night and he believed Roma was responsible for the arson fire. A few days later, Roma was administered a polygraph examination at the police department regarding whether he was involved in setting the fire or had knowledge of who set the fire. Roma answered no to those questions, and was told he passed the examination.

That following week, Massey contacted Detective about three or four times and told him he had...
important information about the firefighter’s investigation. According to [redacted], “blew him off” and never took the time to interview him. [redacted] aid he “gave up” after that and made no further attempt to notify law enforcement about this information until a couple years ago.

Approximately two to three weeks after the explosion, [redacted] saw Costanza at Brothers III bar. When Costanza saw him, she immediately left out of the back.

[b]did not tell the ATF or anyone about the insurance job or seeing Costanza on the site because he [redacted] for his arrest and he was “on the run”. According to [redacted] in 1988 he was arrested for auto theft and was put on probation. [redacted] violated his probation by leaving the Kansas City area, and a warrant was subsequently issued for his arrest. [redacted] said he was arrested in 1989 in Arkansas pursuant to this warrant and was incarcerated for years at the Western Missouri Correctional Center. After [redacted] was released, he lived in the Kansas City area for about a year and then moved to Bakersfield, CA for approximately five years. During this time, [redacted] did not tell anyone the aforementioned information, and he tried not to think about what happened that night. [redacted] remembers thinking “there couldn’t be five”. [redacted] assumed one of the defendants was Costanza, but later learned that was not the case.

A couple years ago, Mike McGraw, reporter for the Kansas City Star, called [redacted] but initially refused to talk with him. McGraw continued to pursue an interview with [redacted] finally agreed to talk to McGraw about Costanza and Riggs asking him to do a pick-up truck, [redacted] seeing Costanza running away from the burning truck on the construction site the night of the explosions. The Star conducted two polygraph examinations on [redacted] which showed he had credible information that indicated he saw the fire being set.

[b] (6), (b) (7)(C), (b) (7)(D)

[b](6), (b)(7)(C)

[b](6), (b)(7)(C)

[b](6), (b)(7)(C)

[b](6), (b)(7)(C)

[b](6), (b)(7)(C)

[b](6), (b)(7)(C)

[b](6), (b)(7)(C)

[b](6), (b)(7)(C)

[b](6), (b)(7)(C)

[b](6), (b)(7)(C)

[b](6), (b)(7)(C)

[b](6), (b)(7)(C)

[b](6), [redacted] never interviewed him and he had no interaction with [redacted] whatsoever.

Memorandum of Investigation

Date:  

Case Number:  

Page 3
Interview of ATF Special Agent

On September 18, 2009, and DOJ Attorney John Cox conducted a telephone interview with ATF Special Agent regarding his interaction with a witness who claimed he saw Donna Costanza running away from a burning truck on the construction site the night of the explosions. Wright provided the following information during the interview:

Involvement with began in late 2006 or early 2007 after Wright provided information to local law enforcement regarding individuals in the Outlaw motorcycle gang who were making explosives. Wright subsequently

The ATF ended up executing arrest warrants on the Outlaw members involved with the explosives.

Soon after in January 2007, informed that he had information related to the Kansas City firefighter’s investigation. He subsequently interviewed regarding this information. told that he was on the construction site that night and saw a woman running away from a burning truck. Immediately contacted AUSA to notify him of the information provided. had a debriefing regarding and his alleged eyewitness account. Due to the fact that had told a contradictory story in the past (the first time he was interviewed, he claimed he was in bed all night), the story did not seem feasible. As a result, the ATF in conjunction with the United States Attorney’s Office, decided to sever ties with

believes that and thinks his handling agent was who is now retired. Wright also recalls that retired also worked with in the past.

Attachment:

MEMORANDUM OF INVESTIGATION

Case Number: 2008-008197  Reporting Office: Chicago Field Office

Interview of Dave Dawson, Witness

On September 24, 2009, I conducted a telephone interview with Dave Dawson, a witness who was mentioned in a Kansas City newspaper article, dated June 28, 2008. The article said that "Dave Dawson, who was on the government’s witness list for the trial, told The Star that he ‘fabricated some lies’ about one defendant at the behest of federal investigators after they promised to help him with a pending criminal case. When he refused to repeat those lies in court, Dawson said, he was charged in several armed robberies he said he did not commit. He’s now in prison after being convicted of two other armed robberies.”

Dawson provided the following information during the interview:

Dawson was asked about the construction site where the explosions occurred. He remembered that he was asked by Shannon Reimers (Richard Brown’s sister) at the time. As a result of dating her, to whom he eventually married, he got to know the Brown family well, including Shannon, Nadine and Richard. Richard and Dawson subsequently became good friends and often hung out together. As a result of his association with Richard, Dawson was interviewed by a Kansas City Police homicide detective (he does not recall his name) in late 1992 or early 1993. Dawson said the detective was investigating the arson fire on the construction site and wanted to know if Dawson had any information. The detective told him he did a background check on him and knew his history. Dawson said the detective was initially friendly, but was trying to persuade him to help with the investigation. Dawson explained to the detective that he did not have any information related to the case or any of the defendants’ involvement. Dawson told the detective, “It’s one thing to be a snitch, it’s even worse to be a lying snitch”. The detective told Dawson that he had information that Dawson hung out with the Sheppard family, and that he had done surveillance and had taped conversations between Dawson and some of the defendants where they admitted their involvement. The detective asked Dawson if any of the defendants ever confessed their involvement in the arson fire, and Dawson said no. The detective told Dawson that if he did not cooperate, that he was going to file false robbery charges against him and he will go back to prison. Dawson recalls the detective saying something along the lines of, “I’ll put enough of them on you that I’ll get one of them to stick”.

Special Agent Name and Signature:  

Date:  
Reviewer: 

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While incarcerated during this time at Jackson County Jail, ATF SA [redacted] and another agent interviewed Dawson regarding the firefighter’s investigation. Dawson told [redacted] that he did not have any information related to the case and had no knowledge of the defendants’ involvement. At some point during their conversation, [redacted] told Dawson to “have a good life in the penitentiary”. Dawson said [redacted] tried to pressure him into saying that Richard Brown admitted his involvement to him. Dawson claimed that [redacted] told Dawson he would “help him with charges” if he agreed to cooperate and say things to incriminate the defendants. Dawson said he agreed to some of the things [redacted] wanted him to say because he wanted help with the charges against him. Dawson cannot recall what he specifically admitted to during the interview, but denies ever saying that any of the defendants admitted their involvement to him. Dawson denies ever hearing any of the defendants admit their involvement in the crime or that he had any pertinent information related to the investigation.

Soon after this interview, [redacted] called Dawson to ask him how he was feeling after the [redacted] and asked how his court cases were going. [redacted] then told him over the phone that “he better hope no robberies happen in that area” and he wanted Dawson to know that he will be watching him. Dawson said [redacted] was calm and friendly, but the conversation still felt very threatening to him. Dawson ended the conversation by saying that if Dawson needed any help to give him a call.

Soon after he was released, Dawson [redacted] however he denies that he committed any of the crimes. Dawson claims that every charge was brought against him as a result of his refusal to cooperate with investigators during the firefighter’s investigation.

In approximately 1997, Dawson told defense attorney [redacted] that law enforcement officials pressured him to incriminate the defendants and threatened to file false robbery charges against him if he did not admit that he had information regarding the defendants’ involvement.


At the end of the interview, Dawson said he believes Frank and Skip Sheppard are guilty of the crime, but does not think the other defendants were involved.

It should be noted that, according to the trial transcript, Dawson was dismissed as a witness at the request of the defense attorneys because he was found to be lying about material facts in this case.

Attachment:

1. Portion of the trial transcript regarding Dawson’s dismissal as a witness
Interview of Donna Costanza

On November 6, 2009, an auxiliary request was forwarded to the Washington Field Office to provide an agent to assist DOJ Attorney John Cox locate and interview Donna Costanza. Mike McGraw, a reporter for the Kansas City Star, made allegations in a newspaper article that two security guards at the construction site (Debbie Riggs and Donna Costanza) are the ones who may have actually been involved in setting the arson fire. was assigned as the agent to handle this auxiliary investigation.

On November 12, 2009, contacted to advise that he went to Costanza’s earlier that morning in an attempt to verify that Costanza lived there. Stated shortly after he got there, he saw a woman whom he thought may be Costanza walking out of her house. Approached her, and she identified herself as Costanza. asked if she was willing to be interviewed regarding the firefighter’s investigation, but Costanza refused. According to Costanza said the only way she would talk is if she was served with a subpoena. Costanza then left her residence in her truck.

Soon after, via telephone to advise that he was in front of Costanza’s on what had happened earlier between and Costanza. While were having their telephone conversation, said that a blue truck pulled up in a driveway and a woman exited the vehicle and went inside the house. via telephone to see if he was still in the and to get a detailed description of Costanza’s vehicle. said he but he verified that Costanza drove off in a blue truck.

While was still connected on his cell phone knocked on Costanza’s front door. identified himself and asked Costanza if she was willing to talk with him, and she agreed and invited inside. For the duration of the interview, was listening to interview Costanza on a cellular telephone.

Below is the summary of information obtained during the interview with Costanza:

Costanza was working the 3 pm – 11 pm shift as a security guard on the night of the explosions. During her shift, Costanza was walking around looking for intruders. She later learned her car would not start. Costanza’s car was only one or two years old at the time. Costanza recalls another security guard lifted her hood and tried to help fix her car. Costanza called company and Debbie Riggs to tell him about her car problems. Riggs came to the site and her car was subsequently towed. Costanza left with the tow truck driver and she did not return to the site after that.

Costanza did not have any security or law enforcement experience, but got the job due to her relationship with Debbie Riggs (she and Riggs were in a romantic relationship when she began working there). Costanza was told there were tools in the trailers, and her main duty was to keep dirt bikers and

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other intruders off the property to prevent anyone from playing with the construction equipment or from stealing tools. Costanza denied having any interaction with woodcutters who utilized the construction site.

Costanza recalls hearing the explosions that night, but has no knowledge of what happened because she was not there. At the time, Costanza and Debbie lived together, but were no longer dating. Costanza said that Debbie never came back home that night. According to Costanza, Debbie had her baby prematurely and on one occasion, Debbie came back to get her things out of the house. Costanza and Debbie briefly chatted, but they did not discuss anything related to the explosions. Costanza denied ever having any discussions with Debbie about the explosions or what Debbie did that night.

Costanza said after the incident, she had no further contact with [b][6], [b][7] and denied ever talking to him about the explosions.

In 1985, Costanza moved to Dallas for a few years, but had no association with [b][8], [b][7] used to live in Dallas, too. In 1989, Costanza moved to Los Angeles for 16 years and pursued acting. While she was in L.A., Costanza’s [b][6] called her and said that the police may be looking for her. Costanza called the Kansas City Police Department to let them know she was living in Los Angeles and provided them with current contact information. Costanza does not recall either the police or the ATF ever contacting her.

Costanza moved back to Kansas City in 2004 and stayed there until 2008. In 2008, Costanza moved to [b][3], [b][7] Costanza’s brother passed away in 1986, and he was good friends with [b][8], [b][7] used to work together at Stack’s hamburger stand before the explosions. Costanza saw only once since the explosions occurred after she moved back to Kansas City in 2004.

Costanza saw [b][6], [b][7] in a bar and they engaged in small talk, but they never discussed anything related to the explosion that occurred on the construction site.

Debbie never asked Costanza to help with burning her truck for insurance money, and Costanza denied Debbie ever mentioning she wanted to do that. Debbie knew that Costanza was very attuned to right and wrong, and Costanza does not believe Debbie would ask her to do something like that. Costanza said that if Debbie were to do something like burn her truck for insurance money, she would make sure Costanza was not there. Costanza described Debbie as “reckless”, and said they always “ran” in separate crowds.

Costanza denied ever discussing what happened on the construction site that night with anyone. Costanza denied her involvement in the arson fire, and stated she has no idea what happened that night because she was not there. Costanza said that she has never talked about the incident with anyone.
A couple years ago when Costanza still lived in Kansas City, Mike McGraw, a reporter for the Kansas City Star, contacted her via telephone to request an interview, but Costanza refused. On a separate occasion, McGraw showed up at her house in Kansas City, and Costanza once again refused to be interviewed. Costanza told McGraw that she did not have any involvement in the arson fire and had no knowledge of what happened.
Interview of Donna Costanza

On November 6, 2009, an auxiliary request was forwarded to the Washington Field Office to provide an agent to assist DOJ Attorney John Cox locate and interview Donna Costanza. Mike McGraw, a reporter for the Kansas City Star, made allegations in a newspaper article that the five defendants were wrongfully convicted, and two security guards at the construction site (Debbie Riggs and Donna Costanza) may have actually been involved in setting the arson fire. was assigned as the agent to handle this auxiliary investigation.

On November 12, 2009, to advise that he went to Costanza's earlier that morning in an attempt to verify that Costanza lived there. stated shortly after he got there, he saw a woman who he thought might be Costanza walking out of her house. approached her, and she identified herself as Costanza asked if she was willing to be interviewed regarding the firefighter's investigation, but Costanza refused. According to , Costanza said the only way she would talk is if she was served with a subpoena. Costanza then left her residence in a truck.

Soon after, contacted via telephone to advise that he was in front of Costanza's briefed Cox on what had happened earlier between and Costanza. While and Cox were having their telephone conversation, said that a blue truck pulled up in a driveway and a woman exited the vehicle and went inside the house. via telephone to see if he was still in the Baltimore area to assist Cox, and to get a detailed description of Costanza's vehicle. said he was 97 miles away from Baltimore, and he verified that Costanza had driven off in a blue truck.

and Cox decided that it was worth another effort to attempt to interview Costanza. While was still connected on Cox's cellular phone, knocked on Costanza's front door. identified himself and asked Costanza if she was willing to talk with him. She agreed and invited Cox inside. also identified as the individual on Cox's speakerphone. listened and participated in the interview of Costanza over Cox's cellular telephone.

Below is the summary of information obtained during the interview with Costanza:

Costanza was working as a security guard on the construction site on the night of the explosions. During her shift, was walking around looking for intruders. On the night of the explosions, she learned her car would not start. 's car was only one or two years old at the time. recalls another male security guard lifted her hood and attempted to fix her car without success.

called Robert Riggs, the owner of the security guard company and Riggs' brother, to tell him about her car problems. came to the site and her car was subsequently towed. left with the tow truck driver, and she never returned to the site after that night.

Costanza did not have any prior security or law enforcement experience, and she got the security guard
job due to her relationship with Debbie Riggs (she and Riggs were involved in a romantic relationship). Costanza said that her main duty while working was to keep dirt bikers and other intruders off the property. Costanza denied interacting with any woodcutters who utilized the construction site.

Costanza believes she may have heard the explosions that night, but has no knowledge of what actually happened because she was not there. Although Costanza and Debbie lived together, they were no longer dating. Costanza said that Debbie never came back home that night. In fact, Costanza said Debbie only returned once to get her things out of the house. Costanza said she and Debbie never talked about the explosions or what Debbie did that night. In fact, Costanza said that after the explosions, she did not have any contact with Robert Riggs either, and has never talked to him about the explosions or what he did that night. Costanza does not even recall how she received her last paycheck. Costanza said that 20 years ago, she wanted to become a police officer; however, Costanza never pursued a career in law enforcement because she believed it was not possible due to her involvement in this incident.

Costanza had been a resident of Kansas City, but moved to Dallas in 1985 for a short time. While in Dallas, she had no association with Robert Riggs. In or around 1986, she moved back to Kansas City to take care of her ill brother, who died from his illness later that year. Following the explosions, Costanza moved to Los Angeles in 1989 and stayed there for 16 years. While in Los Angeles, she pursued acting. At some point during the 1990’s, Costanza recalls that her father called her and said that the police may be looking for her. Costanza called the Kansas City Police Department and advised them she was living in Los Angeles and provided them with her contact information. Costanza does not recall either the police or the ATF ever contacting her.

Costanza moved back to Kansas City in 2004 and stayed there until 2008. In 2008, Costanza moved to Baltimore where she currently lives.

Costanza’s brother had been good friends with Debbie Riggs. Costanza and Debbie used to work together at Stack’s hamburger stand. Costanza saw Debbie only once since the explosions occurred. Sometime after she moved back to Kansas City in 2004, she ran into Debbie at a bar. They engaged in small talk, but they never discussed anything related to the explosions.

Debbie never asked Costanza for help with burning her truck for insurance money, and never mentioned to Costanza that she wanted to do this. Debbie knew that Costanza was very attuned to right and wrong, and Costanza does not believe Debbie would ever asked her to do something like that. Costanza said that if Debbie ever did do something wrong, like burn her truck for insurance money, she would have made sure Costanza was not there. Costanza described Debbie as “reckless”, and said they always ran in separate crowds.

Costanza said she never discussed the explosions or what happened on the construction site that night with anyone. Costanza denied her involvement in the arson fire, and stated she has no idea what
happened that night because she was not there.

Costanza was told there were tools in the trailers, and part of her job as a security guard was to prevent intruders from stealing tools and playing with construction equipment.

A couple years ago when Costanza still lived in Kansas City, Mike McGraw contacted her over the telephone to request an interview, but Costanza refused. On a separate occasion, McGraw showed up at Costanza’s house in Kansas City, and she once again refused to be interviewed. Costanza told McGraw that she did not have any involvement in the arson fire and had no knowledge of what happened. Costanza told McGraw, “I’m a Costanza, not a Soprano”.
Follow-up Interview of ATF Special Agent

On October 7, 2009, ATF SA [redacted] contacted [redacted] via telephone in order to clarify some information he provided during his previous telephone interview on September 18, 2009. During the last interview [redacted], did not have the benefit of having the case files in front of him regarding his working relationship with witness [redacted]. After further thought and review of case files, it realized he provided some misinformation during his previous interview regarding [redacted] provided the following information during the interview:

In December 2005, the FBI contacted [redacted] and said that [redacted] had contacted the local police department about explosives involving domestic terrorism in Hamilton, Missouri. [redacted] brought blasting caps to local police, who then turned them over to the FBI. [redacted] subsequently opened a case regarding the domestic terrorism allegations [redacted] provided to law enforcement. [redacted] did not sign because at the time [redacted] was under state charges in Caldwell County, Missouri, [redacted] was considered a cooperating defendant and was not paid for any of the information he provided to the ATF. [redacted] wanted to provide information to law enforcement in hopes he could get leniency on his upcoming sentencing for the state charges. [redacted] provided the domestic terrorism case, but no evidence was developed to corroborate the allegations made regarding domestic terrorism.

In February 2006, a local police department contacted state prosecutors and advised that [redacted] was providing information regarding an individual who had methamphetamine. State prosecutors contacted the ATF regarding this information and [redacted] opened another case based on this information. Without any direction from the ATF, [redacted] obtained methamphetamine from an individual and brought it to the ATF. The ATF subsequently wired [redacted] up in order to confirm who gave him the methamphetamine. At this time [redacted] was not an official CI and was still considered a cooperating defendant. No prosecution resulted in this case and it was closed.

In January 2007 [redacted] provided information to [redacted] that he had been in someone’s home and saw a large quantity of marijuana and firearms. The ATF opened a case and developed some corroborating information regarding [redacted] claims. As a result, [redacted] obtained a search warrant for this individual’s residence, and a significant amount of marijuana and several firearms were found. The subject had admitted to his dealings with marijuana and firearms, but soon after had severe heart problems and became very ill. The ATF intended to utilize [redacted] to help with an ongoing unrelated investigation, but [redacted] was unable to assist due to his illness. No prosecution resulted from this investigation.

Later in January 2007 [redacted] told [redacted] he had information related to the firefighter’s case that he did not previously reveal to law enforcement. [redacted] said that he was not actually at home on the night of the explosions, but was on the construction site and claimed to have seen a security guard on the site running away from a burning truck. [redacted] immediately contacted AUSA [redacted] and passed along this information. [redacted], and Detective [redacted] (Kansas City Police Department) interviewed
regarding his claims and prepared a Report of Investigation. After this interview, a meeting was held regarding this information. (b)(6) recalls that the ATF supervisors (SAC and ASAC) of the Kansas City Field Division attended the meeting along with (b)(6), (b)(7)(C) and other agents involved in the investigation. (b)(6) presented his Report of Investigation to the group and they all reviewed the document. The information provided during the interview was completely contradictory to the information he provided 20 years earlier (during his initial interview he claimed he was home in bed all night). Due to this fact, they did not feel that (b)(6) was very credible and no longer wanted to use him as a cooperating defendant. (b)(6) contacted the state prosecutor, (b)(6), (b)(7)(C) and advised him that the ATF was going to discontinue their working relationship with (b)(6).

(b)(6) said that (b)(6) has never been a documented CI with the ATF. According to (b)(6), (b)(6) provided reliable information, however said he was “hard to control” and often did things of his volition and without the direction of the ATF.
I’m working on the others.

Hope you are doing well.
Here’s Garcia’s report. Would like to discuss it with you because there were a couple things I wanted to clarify.

Let me know what you think.

Thanks,
Interview of Antonia Garcia, Witness

On December 2, 2009, and DOJ Attorney John Cox conducted a telephone interview with Antonia Garcia, a witness who was mentioned in a Kansas City Star newspaper article, dated June 28, 2008 that says “…Garcia signed an affidavit in which she says Riggs acknowledged involvement in the crime 20 years ago…‘She (Riggs) admitted to me and other people…that she was involved in it,’ said Garcia, who said she was a friend of Riggs’ at the time of the explosion. ‘She came over and she was all wigged out, all disturbed that the firemen got killed….’”.

Garcia provided the following information during the interview:

Garcia has known Debbie Riggs since she was 14 years old. Garcia, Riggs, and several other girls (approximately 20 girls in total), who Garcia described as “lipstick lesbians”, often hung out together. Their group was called “The Whirley Girls” and/or “The Wheelies”. When they were 18 years old, Garcia and Riggs dated on and off for a short time. Garcia was not involved in a relationship with Riggs at the time of the explosions, however they were still friends. Garcia said that she and Riggs had a “love relationship” and they always will.

Riggs was dating and living with Donna Costanza (another security guard on the construction site) in the late 1980s, around the time the explosions occurred. Garcia and Riggs were in Alcoholics Anonymous together at that time due to cocaine and alcohol abuse. Garcia described Riggs as a “con-artist”. Sometime in the late 1980s when Riggs was working at the Ford plant, she purposely shut her hand in a door in order to get off work so she could go on vacation and receive workman’s compensation. Garcia also said Riggs burned her car in the past to collect insurance money.

On the morning of the explosions, Riggs came over to Garcia’s apartment. Riggs was very upset and appeared nervous. Riggs told Garcia that she had gotten blown back and her truck was blown up, and made the following comments: “I know they are going to pin this on me and Donna…I was involved in something bad…it’s awful. She/they didn’t mean for anyone to get killed.” Garcia claimed to have cut Riggs off and told her she did not want to hear any more.

Riggs was pregnant at that time. Garcia said that Riggs got artificially inseminated and was having financial problems because she spent all of her money on the procedure.

According to Garcia, Costanza and Riggs “broke up” right after the explosions occurred. Soon after, Riggs began dating...
Garcia thinks that Costanza and Riggs’ brother, Robert Riggs (the other security guard on duty that night and the owner of the security company), were responsible for the arson fire, but she did not provide any information to back up those claims.

Garcia heard rumors that Costanza was “losing her mind” and is “running like a scared rabbit”. Someone told her that Costanza was locked up in her house with a shotgun. Sometime last year, Mike McGraw, a reporter for the Kansas City Star, came to Garcia’s house for an interview. McGraw asked Garcia about any information she had about Riggs’ involvement in the arson fire, and Garcia relayed the aforementioned information. She read a portion of the newspaper article to Garcia, and Garcia confirmed what was printed about her was accurate.

Throughout the years, Riggs has sent Garcia cards from time to time, but Garcia never responded. About one year ago, after Garcia’s interview with McGraw, Garcia called Riggs, and Riggs invited Garcia to visit her in Houston. Garcia has not talked to Riggs ever since.
Interview of Donna Costanza

On December 4, 2009, DOJ Attorney John Cox interviewed Donna Costanza at [b](6), [b](7)(C) When Cox arrived at Costanza’s residence for the interview, [b](6), [b](7)(C) was connected on Cox’s cellular telephone. Cox identified [b](6), [b](7)(C) to Costanza as the individual on Cox’s speakerphone. [b](6), [b](7)(C) listened and participated in the interview of Costanza over Cox’s cellular telephone.

Costanza provided the following information during the interview:

Costanza met Debbie Riggs sometime in 1979 or 1980. Soon after they met, Riggs “came out” and identified herself as a bisexual. Subsequently, Riggs and Costanza developed a relationship, but they did not consider themselves as “girlfriends”. At this time, Costanza and Riggs lived at [b](6), [b](7)(C).

Costanza said Riggs was very reckless and displayed erratic behavior. Costanza recalled that Riggs often came home drunk with “creepy, scary men”, and appeared to have been beaten up. According to Costanza, Riggs was arrested for driving under the influence on a couple occasions. Sometimes Riggs would not come home for days. Costanza described Riggs as a con-artist. While Riggs was working at the Ford plant, she would always take sick leave. Costanza recalls on one occasion, Riggs asked Costanza to hit her hand with a hammer so she would not have to go into work. Costanza refused; however Riggs hit and broke her own hand with a hammer so she did not have to go into work.

Costanza pulled away from Riggs due to her erratic behavior, and she moved to Dallas in or around 1984. In 1986, Costanza moved back to Kansas City to take care of her with Riggs. Costanza made some other moves within the next several years, but whenever she came back to live in Kansas City she lived with Riggs.

Costanza could not recall if she was scheduled to work on the night of the explosions. While working at the construction site that night, Costanza was driving around in her car, a 1988 Fox. Costanza exited her vehicle and left her car running in order to do “foot patrol” on the site. When Costanza returned to her car, she saw a male security guard standing underneath her hood, and he told her that her car had died. Costanza was very upset because it had been running fine earlier, and she had never had any trouble with her car in the past. According to Costanza, many different people worked security at the construction site to “fill in” where needed.

When asked, Costanza said she thinks Riggs may have had a girlfriend at one time named [b](6), [b](7)(C).

Approximately a month before the explosions occurred, Riggs asked Costanza if she would help burn her truck for insurance money. Costanza refused. Costanza said she may have told others (including [b](6), [b](7)(C) about Riggs asking to help burn her truck, but she denied bragging about this information while working at Stack’s hamburger stand. Costanza said that Riggs always carried a gas can in the

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back of her pickup truck. Riggs always carried a firearm and usually kept a handgun in her car.

Costanza and Riggs did not interact much after the explosion; Riggs acted “detached, closed off, and scattered”. It just seemed to Costanza that Riggs “was not doing good things”. After Riggs had her baby, Costanza took care of her while Riggs was at work but they did not interact other than that. Sometime in 1989 or 1990, while Costanza and Riggs were at Riggs’ father’s house, Riggs said to Costanza something to the effect of, “Don’t call or contact me anymore because I don’t want to get you in trouble.” Costanza did not contact Riggs again.
Two more. These are short ones. I didn’t go into the Becker one too much. Just wrote what he told us and left the interpretation/recommendations for your report. Let me know if that works.
Edited Jones report.
Interview of Sharon Jones, Witness

On January 5, 2010, and DOJ Attorney John Cox conducted a telephone interview of Sharon Jones. Jones initiated this interview pursuant to the request of Darlene Edwards’ attorney who provided Jones with contact information. Jones provided the following information during the interview:

Jones stated that she provided a sworn affidavit to attorney Cheryl Pilate in July 2007. Jones did not want to restate what she stated in this affidavit, but she confirmed that the affidavit was true and accurate. Pilate previously provided a copy of Jones’ affidavit, dated July 28, 2007, which is attached to this MOL.

Jones mentioned that on the Sunday night prior to the explosions (November 27, 1988), she, Riggs, and Costanza got together at Riggs’ house located in North Kansas City to watch a movie. Before the movie, Riggs mentioned that she wanted to burn her truck for insurance money.

According to Jones, Riggs was not dating anyone at the time of the explosions. Jones said that Costanza and Riggs were friends, and they were involved in a relationship many years prior.

One or two days after the explosions, Jones asked Riggs if she was involved in explosions that killed the firefighters, and Riggs emphatically denied her involvement and responded, “No!” Riggs immediately began providing a witness-like account of what happened that night. She explained to Jones that she felt victimized by law enforcement because they did not protect her from the explosions, and they hid and took cover and just left her out in harm’s way. Jones felt that the way Riggs provided these details was her way of shifting the topic off her possible involvement in the arson fire.

A couple days after the explosions, Jones called the tips line to report what Riggs had told her about wanting to burn her truck. The person who answered her call took her information and provided her with a confirmation number. About a month later, Jones had not heard back from law enforcement, so she called the tips line again to follow-up on her original call. The tips line personnel told her that there was a delay because there were hundreds of other tips to follow-up on besides hers. Law enforcement never contacted Jones about this information.

Approximately one month after the explosions, Riggs and Jones were no longer in contact.

Jones said that Riggs always borrowed money from her parents and constantly tried to “weasel” money out of them. In fact, Jones said that Riggs’ parents paid for Riggs to be artificially inseminated.

According to Jones, Riggs owned a black Camaro at the time of the explosions. Jones does not recall a time when Riggs loaned out her Camaro and said she was very protective and proud of that vehicle. Jones heard that Riggs’ brother, Robert, later wrecked Debbie’s Camaro in an accident. Jones said that Debbie and Robert were very close, but that their relationship was “weird...in a kinky kind of way.”
Due to time constraints, Jones was unable to elaborate.

Jones was upset because after Pilate and Pilate’s private investigator interviewed her, they started developing more information against Riggs’ based on Jones’ information. Jones saw other names in the Kansas City Star newspaper of people who corroborated the information that she previously provided to Pilate. Jones was annoyed because she said it was clear that people wanted to get their name in the paper. Jones feels that many of the witnesses may have exaggerated, and stated that people would say anything to get their name in the paper.
Interview of Witness

On January 5, 2010, and DOJ Attorney John Cox conducted a telephone interview of Sharon Jones. Jones inititated this interview pursuant to the request of Darlene Edwards’ defense attorney, who provided Jones with contact information. Jones provided the following information during the interview:

Jones stated that she provided a sworn affidavit to in July 2007. Jones did not want to reiterate what she stated in this affidavit, but she confirmed that the affidavit was true and accurate. previously provided a copy of Jones’ affidavit, dated July 28, 2007, which is attached to this MOI.

Jones mentioned that on November 27, 1988, approximately 36 hours prior to the explosions (a Sunday night), she, Debbie Riggs, and Donna Costanza got together at Riggs’ house located in City to watch a movie. Before the movie started, Riggs mentioned that she wanted to burn her truck for insurance money.

According to Jones, Riggs was not dating anyone at the time of the explosions. Jones said that Costanza and Riggs were friends, and they were involved in a relationship many years prior.

According to Jones, Riggs needed money. Riggs stopped working at the Ford plant due to claims that her pregnancy was high-risk, and she was trying to get money from her brother by serving as a security guard. Jones said Riggs was constantly scheming for cash, and always tried to “weasel” money from her parents. In fact, Jones said that Riggs’ parents paid for Riggs to be artificially inseminated.

One or two days after the explosions, Jones asked Riggs if she was involved in explosions that killed the firefighters, and Riggs emphatically denied her involvement and responded, “No!” Riggs immediately began providing a witness-like account of what happened that night. She explained to Jones that she felt victimized by law enforcement because they did not protect her from the explosions, and they hid and took cover and just left her out in harm’s way. Jones felt that Riggs’ was trying to shift the topic off her possible involvement in the arson fire by providing these details. Jones said that, following the explosions, Riggs became a pariah in their circle of friends because everyone thought she was responsible for the arson fires. Approximately one month after the explosions, Riggs and Jones were no longer in contact.

A couple days after the explosions, Jones called the tips line to report what Riggs had told her about wanting to burn her truck. The person who answered her call took her information and provided her with a confirmation number. When Jones had not heard back from law enforcement within a month, she called the tips line again to follow-up on her original call. The tips line personnel told her that there was a delay because there were hundreds of other tips to follow-up on besides hers. Law enforcement never contacted Jones about her tip.
According to Jones, Riggs owned the car at the time of the explosions. Jones does not recall a time when Riggs loaned out her car and said she was very protective and proud of that vehicle. Jones heard that Riggs later wrecked Debbie’s car in an accident. Jones said that Debbie and Robert were very close, but their relationship seemed “weird… in a kinky kind of way”.

Jones was upset because after she was interviewed by a private investigator, they started developing more information against Riggs’ based on Jones’ information. Jones saw other names in the Kansas City Star newspaper of people who corroborated the information that she previously provided to the FBI. Jones was annoyed because she said it was clear that people wanted to get their name in the paper. Jones feels that many of the witnesses may have exaggerated, and stated that people would say anything to get their name in the paper.
Driver report attached. Please review and we’ll discuss when we talk this afternoon. I have one clarification question for you for something that I’d like to add to report.

Thanks.