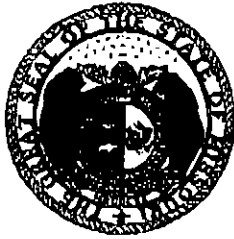


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FILED

NOV 26 2013

Clerk of the Circuit Court
Benton County

STATEMENT OF PROBABLE CAUSE

State of Missouri
County(s) of Greene, Dallas, Benton

Date: September 6, 2013

I, Sergeant Brad Bearden, knowing that false statements on this form are punishable by law, state that the facts contained herein are true:

I have probable cause to believe that on September 21, 2012, Anthony J. Balbirnie, a white male, committed one or more criminal offense(s):

Name: Anthony J. Balbirnie

Date of Birth: [REDACTED]

SSN: [REDACTED]

Address: Anthony Balbirnie is currently incarcerated with the MO Department of Corrections at the Northeast Correctional Center, DOC Inmate #510363

OCN# None related to this crime.

The facts supporting this belief are as follows:

1. On September 21, 2012, the Greene County Sheriff's Office initiated an investigation into the disappearance of a fifteen year old juvenile, K.P. On September 30, 2012, the body of a female juvenile was removed from Truman Lake in Benton County, MO. On October 1, 2012, an autopsy of the body was conducted by the Greene County Medical Examiner, Dr. Carl Stacey. Cause of death per Benton County Coroner, James Miller, was undetermined. On October 5, 2012, the body was identified as K.P. by DNA match.

2. During an interview with [REDACTED] he stated that K.P. and Balbirnie were seen at [REDACTED] residence located at [REDACTED], [REDACTED] in September of 2012. [REDACTED] stated that Balbirnie arrived at his residence with a white female that he later discovered was K.P. [REDACTED] advised that he could tell she was young, but did not know her age and that he was not introduced

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to her by Balbirnie. [REDACTED] advised that K.P. sat on Balbirnie's lap and did not speak or look at him directly. [REDACTED] advised that she kind of just looked down at the ground and looked away. [REDACTED] advised that after a few minutes they both left his residence.

3. [REDACTED] advised that a couple hours later, Balbirnie and K.P. returned to his residence. [REDACTED] advised that K.P. again sat on Balbirnie's lap, but did not speak to anyone at the residence. [REDACTED] advised that after a few minutes, Balbirnie and K.P. went into the back bedroom, but that he did not see them have sex, or use illegal drugs. [REDACTED] advised that he was unsure what they were doing in the bedroom, but that they were only in there for 2-3 minutes. [REDACTED] advised that they then left his residence.

4. [REDACTED] advised that 1-2 days later he came home to find Larry Warner at his residence. [REDACTED] advised that Warner spent a long time in his shower and upon exiting the shower, got dressed and went outside and just sat in his truck for about 2 hours. [REDACTED] advised that Warner seemed upset, but did not say anything at that time. [REDACTED] advised that a few days later, Balbirnie arrived at his residence and did not seem to be himself. [REDACTED] advised that Balbirnie did not say anything, but seemed to just be different, like he had a lot on his mind.

5. During an interview, Larry Warner stated that on the evening of September 20, 2012, he picked K.P. and Balbirnie up at a residence near Boonville Avenue off a street that was near a car lot and the El Taco restaurant in Springfield, Greene County, Missouri. At that time, Warner would have been driving his large black SUV Suburban. Warner stated to interviewers at the time he picked K.P. and Balbirnie up in Springfield, it was raining very hard, "pouring" as Warner described. He stated he picked them up after Balbirnie had called him asking for a ride. At that time, Balbirnie asked Warner to take him and K.P. to the Hartley residence in Buffalo, Dallas County, Missouri. Warner stated that was the first time he had ever personally met K.P. Warner did not recall what K.P. was wearing that evening; however he recalled that K.P. got in the back seat of his SUV.

6. Warner confirmed that he knew about K.P. when he picked both of them up. Warner stated that he had previously heard of K.P. when he was at the Amy Hartley's residence with Balbirnie and they spoke of K.P. He stated that Balbirnie talked about first meeting K.P. when she was walking down a road. Warner stated that ultimately, Balbirnie was able to strike up a relationship with K.P. by contacting her on Facebook. Warner stated Balbirnie had been trying for several days to get in contact with K.P. prior to picking them up on the night of September 20, 2012.

The following Facebook chats between Balbirnie and K.P. were secured by the Greene County Sheriff via warrant and corroborate Warner's statement:

a. On September 14, 2012, at 1415 hours, Balbirnie sent K.P. the following message: PHONE IS FUCKED CALL ME NEW NUMBER [REDACTED].

b. On September 15, 2012, at 1407 hours, Balbirnie sent K.P. the following message: Call me I want to kick it for a few days.

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- c. On September 15, 2012, at 1619 hours, K.P. responded to Balbirnie: Can't call dont have a phone. Facebook is the only way I can talk to anybody.
- d. On September 15, 2012, at 1635 hours, Balbirnie sent K.P. the following message: Can I come get you.
- e. On September 15, 2012, at 1703 hours, K.P. responded to Balbirnie with: Ill check my face book every 15 min till I hear from u.
- f. On September 19, 2012, at 1708 hours, K.P. sent the following message to Balbirnie: U can.. I dont give good directions tho.
7. Before going to Buffalo that night Warner stated he placed a call to Amy to be sure she was at home. Warner said that when he gets close to Amy's house he would call her and she would open the garage door for him. He recalled that on that night he pulled into the garage. He believed that he did that because that is what he always does when he goes to Hartley's house.
8. Warner's statements were corroborated in that on October 6, 2012, Amy Hartley told investigators Larry Warner called her on the night of September 21, 2012, and asked to her open the garage door of her residence at [REDACTED], [REDACTED], [REDACTED], so he could pull inside. Hartley's statement is corroborated by Warner's cell phone records, which show a call from his cell phone to Hartley's cell phone at 0245 hours on September 21, 2012.
9. Also during Warner's interview, he told investigators in the days prior to picking up K.P. and Balbirnie; Balbirnie had told him about the possibility of picking up a girlfriend and taking her to Hartley's house where they could engage in a threesome. At the time, Balbirnie did not specifically mention K.P. Warner admitted that he has engaged in threesomes in the past with Hartley and she was certainly into that type of sexual behavior.
10. After entering the house that night, Warner stated to Interviewers that Balbirnie possessed some quantity of methamphetamine. Initially, the methamphetamine was dispensed between Balbirnie and Hartley. Warner stated he was not present when Balbirnie shared his methamphetamine with Hartley. Warner said that Hartley shared her portion of the methamphetamine with him. Warner stated he had to smoke his dope and Amy used hers with a needle. At the time Hartley admitted that she gave Warner's needle to Balbirnie after bleaching it out.
11. Warner stated that after Balbirnie, K.P. and himself arrived at Hartley's residence, K.P. took a shower. Warner stated after K.P. showered, she told Balbirnie that if they were going to do this "let's go". Then she and Balbirnie went into a back bedroom. Warner stated he was under the impression that K.P. did not do any drugs, nor did he see her do drugs that night. He claimed to have only been at the residence for approximately 30 minutes to an hour before he left that night. Warner stated he knew that Balbirnie and K.P. were having sex in a back bedroom. He described the bedroom as being the one to the back and on the right. Warner stated that after going in the bedroom, a short time later Balbirnie

came out of the room naked (with an erection). Warner stated he believed Balbirnie and K.P. were watching porn in the back bedroom, as well as having sex.

12. Warner stated Hartley told him that he needed to get Balbirnie out of her house. Warner stated that Hartley had met Balbirnie through him and that Hartley was uncomfortable with Balbirnie at her house because of a previous dispute between the two (2). Warner believed Hartley was scared of Balbirnie because of a dispute involving rough type sex; in which Balbirnie tried to force Hartley to have oral sex with him.

13. Warner disclosed to interviewers he had previous knowledge of Balbirnie's sexual preferences. Warner knew that Balbirnie liked to get rough with the girls he had sex with. He also stated he was aware that Balbirnie liked to tie his girls up. Warner stated that he knows a girl named [REDACTED], last name unknown. (Warner has a child with [REDACTED].) [REDACTED] told Warner that one time when she was with Balbirnie, Balbirnie shot her up with dope while she was sleeping. Warner stated while he was at Hartley's house, he did not hear anything unusual coming from the bedroom where Balbirnie and K.P. were having sex. Warner stated that the sex appeared to be consensual. Warner denied having seen K.P. naked. However, he claimed he was not at the house very long, only about 30 minutes or so. Warner stated that he left that evening because he had an uneasy feeling about Balbirnie. He stated that Balbirnie seemed like he was on the edge that night. Warner stated that he did not go in the back bedroom with Balbirnie and K.P.. He reiterated his belief that K.P. did not do drugs (nor did he see her do drugs) based on what Balbirnie told him. He stated he did not see Balbirnie do dope either in the back bedroom. Warner stated he never saw K.P. again that night.

14. The MSHP obtained relevant telephone records from cellular providers. Telephone records cross referenced with cell tower usage locations showed Warner was off on the times he picked up Balbirnie and K.P., as well as the time he actually left Buffalo, MO; after dropping them off. Warner's cell phone records indicate he was in the Springfield, MO, area at 0127 hours on September 21, 2012, and back in the Buffalo, MO, area at 0245 hours the same morning. The records show him using cell phone towers south of Buffalo, MO, on US 65, at 0551 hours on September 21, 2012. Also, in his statement regarding when he picked up Balbirnie and K.P., Warner mentioned it was raining hard. A check with the National Weather Service indicated the Springfield, MO, area experienced heavy rains between 0100 and 0200 hours on the morning of September 21, 2012.

15. Hartley gave voluntary statements to interviewers on three separate occasions. When interviewed by investigators, Hartley stated K.P. was apprehensive and quiet, when she arrived at her residence with Balbirnie and Warner. She stated Balbirnie told her K.P. was his girlfriend and she was a runaway. Hartley stated K.P. drank some alcohol and was kissing and hugging on Balbirnie and eventually, they (Balbirnie and K.P.) went back into her bedroom. She told investigators Balbirnie and K.P. were watching porn in her room; which had a TV/VCR in it. She stated Balbirnie and K.P. were in her room having sex and making a lot of noise. Hartley described the noise as someone banging against her bedroom door. She went to the bedroom and told them to settle down and not to tear anything up. At that time K.P. asked her to have sex, and Hartley told interviewers she agreed to, as long as she didn't have to have sex with Balbirnie. Hartley stated she was scared of Balbirnie because several days prior

she had sex with him and he choked her and it scared her. Hartley told us she got undressed and K.P. performed oral sex on her, while Balbirnie had sex with K.P.. She stated it didn't last very long and she got dressed and left the room. She would later ask Balbirnie and K.P. to leave her bedroom and they went to the king sized room, down the hall. Hartley stated both Balbirnie and K.P. were naked, when they walked down the hall. Amy stated she changed the bed sheets and washed the sheets that Balbirnie and K.P. had sex on.

16. Hartley stated she went to bed and awoke sometime later and looked into the bedroom where Balbirnie and K.P. were staying. She stated Balbirnie was standing over K.P., who was naked lying on the bed, holding her neck asking her if she was okay. Hartley stated K.P. appeared to be having a seizure because she was shaking and flopping around on the bed; with her hands up around her neck. Hartley asked Balbirnie what happened and he told her, he (Balbirnie) was having sex with her (K.P.) and she started seizing. Balbirnie told Hartley, K.P. had been seizing for over an hour before Hartley came into the room. Hartley stated she and Balbirnie watched K.P. continue to seize for several more minutes before Balbirnie tried CPR on her. Hartley stated K.P. continued to point at her mouth and Hartley stepped out of the room. When she came back K.P. was dead.

17. Hartley stated Balbirnie was upset because he had ejaculated inside K.P. while they were having sex. He wanted to know if Hartley had something to clean his semen out of K.P.. She stated she didn't, but did admit to getting several things Balbirnie used to wrap the body up. She told investigators she gave him a blanket out a bedroom closet, tape and a white trash bag from the kitchen, as well as an extension cord from the garage. She stated Balbirnie made several trips to two (2) different outbuildings located in the backyard of residence. Hartley stated Balbirnie redressed K.P., wrapped her up and put her body in the trunk of Hartley's Pontiac Grand Am. Hartley did admit she helped Balbirnie carry K.P.'s body to the garage and place it in the trunk.

18. Hartley told investigators, when Balbirnie left he told her he was headed to Warsaw. Hartley stated that before Tony left that night, he tried to clean up in the king bedroom. He attempted to use bleach in various areas and changed the bed sheets; taking the old ones away. Balbirnie threatened Hartley to keep her silence. Hartley admitted neither she nor Balbirnie called 911 despite there being at least two (2) working cell phones at the residence.

19. Hartley's statement was corroborated by physical evidence at the crime scene in Benton County. When K.P. was recovered from Truman Lake, she was wrapped in a tan color blanket, and wrapped up with tape and an orange electrical cord, and had a white trash bag over head. Her body had been weighted down with a single user post driver and a piece of railroad track.

20. In an interview conducted by the Dallas County Sheriff's Office, a [REDACTED] stated he did have a single user post driver and a piece of railroad track he used for an anvil and the last time he saw the items they were in the outbuildings at [REDACTED], [REDACTED], [REDACTED], [REDACTED] is a relative of Hartley's.

21. On November 6, 2012, Dallas County Sheriff's Office Investigator Kyle Heidler and I interviewed Hartley again. She told us she had been scared to admit to the other investigators that she went with

Balbirnie to dispose of K.P.'s body. Hartley told us they left the house in her Pontiac Grand Am and first went to a bridge over the Pomme De Terre River on MO 215 east of Pleasant Hope, MO. There was not enough water in river, so Balbirnie decided to go to Warsaw, MO, and throw K.P.'s body into the lake. Hartley stated Balbirnie told he was going to stop on the bridge and throw the body over the side. He wanted her to move into the driver's seat, when he stopped; so they could leave the scene faster. She stated Balbirnie ended up needing her help to get the body out of the trunk, so she didn't get in the driver's seat. She told us Balbirnie threw K.P.'s body over the side by himself and returned to the driver's seat and drove off. Hartley stated it was dark and there were no cars around. I asked her how they got to Warsaw, MO, and she told me they went up US 65 and turned onto the big bridge. She stated they returned the same way. She remembered Balbirnie stopping to get gas, but didn't remember where.

22. On October 8, 2012, Hartley's Pontiac Grand Am was located at the Flagship Motel in Springfield, MO. After canvas, investigators determined Balbirnie had been at the motel, but left before investigators arrived. The Pontiac was seized and searched pursuant to a search warrant. Inside were sized twelve athletic shoes which match Balbirnie's shoe size.

23. Cell phone records with cell tower information were obtained for Balbirnie's cell phone number [REDACTED] for September 20 through 22, 2012. Balbirnie's cell phone locates off one (1) tower in the Buffalo, MO, area, after 0212 hours until 1417 hours on September 21, 2012.

24. During the investigation, pursuant to consent and warrants, searches of Hartley's residence and vehicle were conducted, and control samples from Hartley, Warner and Balbirnie were obtained. Several items were sent to the MSHP crime lab in Jefferson City, MO, and the following associations were made:

- a. A criminalist found seven (7) green fibers on the pink comforter from the king room in Hartley's residence; which were similar to green fibers from the sundress worn by K.P., when her body was recovered from Truman Lake.
- b. A criminalist located head hairs belonging to K.P. on the blanket she was wrapped in and the pink comforter from the king room at Amy Hartley's residence in Buffalo, MO. She also found hairs on the blanket wrapped around K.P.'s body; which were consistent with Amy Hartley's head hair sample.
- c. A criminalist located K.P.'s and Hartley's DNA on the pink comforter from the bedroom with the king sized bed in Hartley's residence.

Printed Name: Sergeant Brad Bearden, badge 213

Signature: Sgt. B.S. Bearden

Missouri State Highway Patrol Case Number: 12 283 033