

IN THE DISTRICT COURT WITHIN AND FOR TULSA COUNTY, STATE OF OKLAHOMA

STATE OF OKLAHOMA,)
)
Plaintiff)
)
vs.)
)
John Robert Kastner)
)
Defendant(s))

Case No. _____

CF - 2008 - 3074

**DISTRICT COURT
FILED**

JUN 27 2008

BALLY HOWE SMITH, COURT CLERK
STATE OF OKLA. TULSA COUNTY

AFFIDAVIT

STATE OF OKLAHOMA)
) ss.
COUNTY OF TULSA)

The undersigned, of lawful age, being duly sworn, upon oath deposes and states as follows:

1. He is a City of Tulsa police officer assigned to Detective Division.
2. He has read certain official investigative reports and statements of witnesses regarding the above named Defendant(s) and from these reports it appears as follows:

- Lori Moon Kastner died from gun shot wounds to the head and the manner of death – homicide.
- Kastner’s murder occurred in Tulsa County, in the City of Tulsa at 3824 South Union Avenue, State of Oklahoma.
- Kastner’s murder occurred at approximately 0400 hours on Wednesday, June 25, 2008.

Initial call for service

Tulsa Police Department Officers were called at 0407 hours to 3824 South Union Avenue in reference to “people down” call. Officer Gossett arrived at the scene and made contact with John Robert Kastner who displayed an apparent gun shot wound to his left hand.

Officers discovered deceased victim in the front bedroom. The Victim’s two children were discovered in a separate bedroom. Several dogs were present inside the home.

Kastner told officers, “An alleged intruder entered the house and shot his wife, Lori, and him.” He also stated that the alleged intruder took a large clear bag containing \$5000 in currency from the dining room table. Kastner advised officers that the weapon used to shoot him and his wife was a small .22 caliber mini-revolver, he owned, that the alleged intruder apparently discovered on the dining room table next to the clear bag containing the money. Kastner told Cpl. Josh Martin that the alleged intruder took their U.S. passports a gold ring and a watch that were inside the clear bag of money.

Kastner gave conflicting suspect descriptions to responding officers.

Crime scene investigation

Lori Moon Kastner died from gun-shot-wounds to the head. One gun-shot-wound appeared fired from several inches away, the second a contact wound to the temple. Forensic Pathologist Dr. Andrew Sibley determined the gun-shot-wound characteristics based upon forensic evidence.

The victim was sleeping when she was murdered. Lori Kastner was lying on her left side in her bed with her left arm beneath her pillow and right arm on the mattress in front of her. The wooden blinds covering the bedroom windows were closed and no ambient light shown through.

The murder weapon was located on the dining room table. The weapon is a single action, five shot, .22 caliber, miniature revolver. The weapon was loaded with four spent shell casings and one live cartridge. The rounds were all .22 Caliber magnum bullets.

Several strands of hair were attached to the weapon's barrel. Blood appeared as "speckles" on the barrel of the firearm. These speckles appeared to be "blow back" from the contact gun-shot-wound to the victim's head.

The firearm was located on the dining room table.

There were blood drops in several rooms in the residence with a high concentration in the dining room area of the residence. There were a small amount of blood drops located in the bedroom where the victim was located. Blood drops were also located on the front porch of the residence.

Crime Scene investigation further revealed that there were no footsteps found in the blood despite the large amount that was present in the residence.

Four United States Passports were located on the sidewalk leading to the front door of the residence.

A box containing forty-five rounds of .22 Caliber magnum rounds was located and recovered from the bedroom where the victim was located. The box of ammo had a fifty round capacity.

Numerous DVD's of various crime scene shows were located and recovered in the living room of the suspect's residence.

Your Affiant states that through training, experience and research he has found that staging a crime scene takes place for two reasons—to direct the investigation away from the most logical suspect or to protect the victim or victim's family. Furthermore, it is the offender who attempts to redirect the investigation.

Your Affiant believes that the following indicates that staging occurred :

- The entire home invasion scenario alleged by the accused
- The passports placed on the sidewalk leading up to the front door
- The plastic bag containing large amount of cash allegedly left on the dining room table ***(no one in the residence could confirm observing a clear plastic bag of cash lying on the dining room table at any time)***
- The self inflicted gunshot wound
- The alleged struggle that took place within the residence ***(There was no physical evidence recovered during the crime scene investigation to support a physical confrontation)***

Statements

- Suspect initially gave conflicting statements as to the alleged intruder's description. Suspect first described the alleged intruder as a forty year old Native American male. Shortly after, the suspect then gave the intruders description as a twenty-eight to forty-five year old white male.
- Suspect stated he was asleep in bed with his wife Lori Kastner and was awakened by a white male intruder standing at the foot of his bed.
- Suspect stated the intruder asked where is "Whitney"? ***(Whitney is the suspect's adopted nineteen year old daughter)***
- Suspect stated he responded by stating "Whitney is not here"
- Suspect stated that the intruder then told him he wanted Whitney's money
- Suspect stated he was able to see the intruder because of the ambient light coming through the bedroom window ***(Crime Scene investigation revealed that the bedroom blinds were closed and furthermore, there were no street lights located on the side of the house where the bedroom windows were located to provide any ambient light. The suspect had also stated all the lights in the house were off)***
- Suspect stated the intruder was pointing a gun at him while making these demands. Suspect further stated he was able to identify the gun as being his. ***(Suspect stated the gun had been lying on the dining room table prior to the alleged home invasion)***
- Suspect stated he had purchased the gun several months prior to the alleged home invasion. ***(Investigation revealed he had in fact purchased the gun at Academy Sports on June 17, 2008, only days prior to the murder of victim Lori Kastner)***

- Suspect stated he got out of bed to get the intruder some money.
- Suspect stated that his wife and children remained asleep during the entire incident. *(The victim and her children remained asleep despite the fact that their four dogs were in the residence. According to witnesses it would be very uncommon for the dogs not to bark aggressively at a stranger. The suspect explained this by stating his wife had taken sleep medication and his children had taken Benadryl prior to going to sleep.)*
- Suspect stated he began to walk into the dining room area to retrieve money from a plastic bag containing a large amount of cash located on the dining room table. *(Suspect later stated he went into the living room to retrieve his wallet that was lying near the fire place)*
- Suspect stated before he entered into the dining room he heard the intruder state "this aint the right bitch"
- Suspect stated he observed the intruder fire a gunshot at his wife while standing a short distance away. Suspect then stated he heard his wife moan. Suspect stated he ran back into the bedroom where he observed the intruder shoot his wife an additional time. *(Suspect stated in a later interview that he observed the intruder shoot his wife and that his wife immediately tried to get up. Suspect stated he then observed the intruder push his wife back down, lean over her and fire an additional gunshot into her. In a later statement suspect stated he entered into the living room to retrieve his wallet when he heard the first shot and that he ran back into the room and observed the suspect lean towards his wife and shoot her an additional time.)*
- Suspect stated he grabbed the intruder and turned him around and after a struggle was able to grab the barrel of the gun.
- Suspect stated as both men struggled over the gun he was able to pull the suspect into the dining room area. *(Suspect later stated he thought it odd that the suspect did not put up a struggle enabling him to pull him into the dining room area. Furthermore, crime scene investigation revealed no physical evidence supporting a physical confrontation had ever occurred.)*
- Suspect stated that during the struggle for the weapon he observed the intruder pull back the hammer of the gun and the gun discharged shooting him in middle finger of the left hand. *(Suspect later stated that he may have even shot himself while grabbing the gun away. Furthermore, suspect stated he observed the intruder pull the hammer back on the gun. Your Affiant believes it totally implausible that this alleged intruder would be able to properly operate this unique single action .22 Derringer that is approximately four inches in length and resembles a toy.)*
- Suspect stated that after he gained control of the gun he told the intruder to take the plastic bag containing the large amount of cash and told him to leave. *(Suspect later stated that while grabbing the gun with his left hand he began grabbing money with his right hand and throwing it at the alleged intruder telling him to just leave.)*
- Suspect stated that the cash in the clear plastic bag totaled approximately five thousand dollars and that it was located on the dining room table along with his .22 Derringer pistol. *(Your Affiant finds it completely implausible that the alleged intruder would arrive alone and unarmed to conduct a home invasion robbery for the purpose of monetary gain. Furthermore, that the alleged intruder would bypass a clear plastic bag containing a large amount of cash, grab the gun that was lying on the same dining room table as the cash and proceed to shoot and kill victim Lori Kastner and become involved in a physical struggle with the suspect risking capture or injury.*
- The suspect stated the alleged intruder entered the residence through the back door which was typically left unlocked. *(Suspect states the suspect exited the residence through the front door which is typically locked. Furthermore, your Affiant states that during search warrant services both the front and back door of the residence were extremely hard to open and made a loud noise upon opening.)*

Investigative results

Through interviews with acquaintances, relatives, and persons close to the victim, detectives learned that the accused had a family meeting where he informed them that he had access to millions of dollars due to a charitable corporation named "713 Corporation" that was associated with the Israeli military. The accused further stated he was a member of the Israeli Special Forces.

The accused led his family to believe that they were leaving for a trip to Israel via a private plane chartered by the "713 Corporation" and scheduled to depart on Wednesday June 25, 2008 at 1500 hours. (*Investigation revealed that no such flight existed for that date and time*)

Furthermore, that the victim had quit her job as an Attorney with the Oklahoma Supreme Court believing she was going to take a position with the "713 Corporation."

The victim further contacted a close friend whom worked at a bank about opening an international account where millions of dollars would be transferred to it from Israel.

The accused is a high school teacher with Webster High school. Investigation revealed that the accused had made financial promises to the administration to donate in excess of two hundred thousand dollars.

Furthermore, the accused promised financial backing to athletic officials to hire additional coaches and buy new football equipment. The accused led athletic officials to believe that he was going to inherit millions of dollars from an invention his father had created for printing presses. The accused told officials the money would be available July 1, 2008.

The accused had also scheduled a meeting on June 24, 2008 (the day before the murder) to finalize contracts involving the money stipends he was going to provide for additional coaches.

The accused cancelled the meetings with officials claiming he was too sick to proceed. However, the accused told officials that he would meet with them the following morning to finalize the contracts. Due to the murder of the suspect's wife the meeting never took place.

In speaking with school officials they indicated that they were relying on the financial promises made by the accused and had hired coaches and met with vendors receiving financial quotes in excess of \$80,000 for the purchase of athletic equipment.

Search warrants

During several search warrants served on the suspect's residence the following was determined:

- there were no correspondence found between the accused or the victim to any person in Israel despite the fact they were allegedly leaving to Israel for a month and a half
- there was no documentation regarding the "713 Corporation"
- No documentation was recovered regarding his alleged association or membership with the Israeli military
- there was no evidence regarding any financial gains as a result of the inheritance he was going to receive from his father's "invention"
- there were no contracts found in reference to the money stipends that were going to be provided to the newly hired coaches at Webster High school
- there was documentation recovered indicating the accused was actually in significant credit card debt
- although passports had been recovered for the victim and children, no evidence was found that the accused had a current passport
- a journal belonging to the accused was recovered that contained an entry dated June 22, 2008 (three days prior to the murder of the accused wife) that read "*Wow. Intense pressure. She was right. I do put things off hoping that problems will cure themselves. Unfortunately, time has not slowed, stopped or gone backward. There is no next week...*"

Summation

Your Affiant believes the evidence will show that approximately a month prior to the murder of victim Lori Kastner the accused came under intense pressure as a result of the false financial promises he made to family members, friends and co-workers.

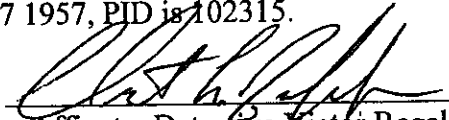
A week prior to the murder the suspect purchases a firearm which he later uses to shoot and kill his wife. Furthermore, a witness told Detectives the accused test fired the newly purchased firearm at approximately 0300 hours approximately twenty four to twenty five hours before the

murder leading Detectives to believe that he was not only test firing the weapon for function but gauging the response to reports of gun fire during that time frame.

There is no evidence that supports the claim of a home invasion and there was no other individual within the victim's residence with an opportunity to commit her murder.

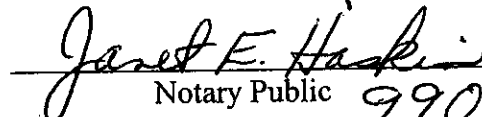
Wherefore, affiant prays this Honorable Court to issue a warrant for the within named Defendant(s), that he/she/they may be brought before and held to answer for the offense(s) of

The person to be arrested is: John Robert Kastner a 50-year-old W/M. The person to be arrested is 510/180, BRO/BLU/MED. Kastner's DOB is 10 07 1957, PID is 102315.


Affiant - Detective Victor Regalado 12-8-11

Subscribed and sworn to before me this 27 day of June, 2008.

My commission expires 12-8-2011


Notary Public 99019640

FINDING OF PROBABLE CAUSE

On this 27th day of June, 2008 the above styled and numbered cause came on for hearing before me, the undersigned Judge of the District Court of Tulsa County, Oklahoma, upon the Affidavit of Detective Victor Regalado requesting that a warrant of arrest be issued for the within named Defendant(s), that he/she/they might be arrested and held to answer for the offense(s) of 1st Degree Murder

Based upon said Affidavit I am satisfied and do hereby find that the offense(s) of

1st Degree Murder
has/have been committed and that there is probable cause to believe the within named Defendant(s) has/have committed said offense(s) and that a warrant of arrest should issue.

Dated this 27th day of June, 2008.


JUDGE OF THE DISTRICT COURT