

Death sentence upheld in killings

■ Man appealed punishment in '03 murder plot

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The conviction and death sentence for a Sugar Land man who arranged the killings of his mother and brother in 2003 so he could collect a \$1 million inheritance have been upheld by the Texas Court of Criminal Appeals.

Thomas "Bart" Whitaker didn't challenge his conviction but insisted in an appeal rejected Wednesday that his death sentence wasn't proper because his court record doesn't include an offer he made to prosecutors.

In exchange for taking responsibility for the killings, Whitaker wanted prosecutors to take the death penalty off the table to spare his "already victimized family the ordeal of a trial." Prosecutors refused, and a Fort Bend County jury 2½ years ago sentenced him to death.

Chris Brashear, the con-

victed triggerman in the deaths of Patricia Whitaker, 51, and Kevin Whitaker, 19, is serving a life sentence. Bart Whitaker's father also was shot and wounded.

Bart Whitaker was convicted of hatching the plot and of recruiting Brashear and Steven Champagne to kill his family in an effort to inherit the family estate.

Bart Whitaker, Brashear and Champagne drove in from Montgomery County on Dec. 10, 2003, to carry out the plan.

While Bart Whitaker joined his parents for dinner at a restaurant, Brashear entered the home through an unlocked door and prepared the ambush. Champagne was the getaway driver.

When the family walked into the house, Brashear opened fire, hitting Patricia and Kevin Whitaker. Brashear shot Bart Whitaker in the arm to make police think the family had walked in on a burglary, testimony showed.

Champagne agreed to a 15-year term for his testimony at Bart Whitaker's trial.