

Fort Bend Herald

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Whitaker sentence upheld

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

The Texas Court of Criminal Appeals made the decision, the Associated Press reported Wednesday.

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 justify 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 the offer, and a Fort Bend County jury sentenced him to death.

"I'm not surprised by the opin-



Bart Whitaker

"Whenever you have a case affirmed by the Court of Criminal Appeals, it is a directive from the court to the public that the case was tried properly," said District Attorney John Healey.

In essence, Healey said, the court's ruling means the judge followed the law, as did the prosecutors in finding justice and defense attorneys in "effectively representing" their client. He said the decision also reaffirms the work of everyone associated with

the trial, including the jury, in reaching the death sentence and the finding of guilt.

Randy McDonald, Whitaker's attorney at the trial, declined comment on the decision.

Chris Brashear, the convicted triggerman in the deaths of Patricia Whitaker, 51, and Kevin Whitaker, 19, is serving a life sentence. Bart Whitaker's father, also a target in the attack, was shot and wounded. He wrote a book about the event called "Murder By Family: The Incredible True Story of a Son's Treachery and a Father's Forgiveness" and appeared on the Oprah Winfrey Show. The Whitaker case was featured on the CBS true crime show "48 Hours Mystery" and on the ABC news program "20/20."

Bart Whitaker was convicted of hatching the plot, and recruiting Brashear and another man, Steven Champagne, to wipe out his family in an effort to inherit the family estate,

estimated to be as much as \$1 million, the AP reported.

Bart Whitaker, Brashear and Champagne drove in from where they lived in Montgomery County on the evening of Dec. 16, 2003, to carry out the plan.

While Bart Whitaker joined his parents for dinner at a restaurant near their Sugar Land home, Brashear entered the home through an unlocked door and prepared the ambush, Champagne, who was parked a block away, was the getaway driver.

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

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

Herald reporter Don Munsch contributed to this story.

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