

Paper: Houston Chronicle

Date: Fri 03/09/2007

Section: A

Page: 1

Edition: 3 STAR

A FAMILY DESTROYED / With tears, jury calls for killer son's death / Despite wishes of dad he tried to kill, Fort Bend man to die for slayings of kin

By ERIC HANSON, RICHARD STEWART
Staff

RICHMOND - Jurors in Bart Whitaker's capital murder trial debated for hours in a small room where tears were shed and voices sometimes raised before deciding the Sugar Land man should die for engineering the plot that killed his mother and brother.

Whitaker showed little emotion Thursday when the verdict was read. But several people in the crowded Fort Bend County courtroom cried and tried to muffle their sobs as state District Judge Cliff Vacek told Whitaker he would die by injection.

The defendant's father, Kent Whitaker, who was wounded in the attack but has always opposed the death penalty for his son, spoke briefly outside the courtroom.

"I prayed that God would provide whatever is necessary to turn Bart's life around," he said.

"This was not the verdict that I would have wanted. I believe that the Lord is sovereign so I am trusting that what happened today is his will."

The six men and six women on the jury took less than two hours to find Whitaker guilty of killing Patricia Whitaker, 51, and Kevin Whitaker, 19, the night of Dec. 10, 2003, in the family's Sugar Land home. Trial testimony showed Whitaker persuaded two friends to help him kill his parents and brother so that he could inherit the family's \$1 million estate.

But the jurors spent 12 hours during two days deciding between life in prison or death.

"We were almost split evenly on whether or not he was a continuing threat," said one juror, who spoke only on the condition she not be identified.

Deciding future threat

State law requires jurors in capital trials to decide if a convicted person constitutes a continuing threat to society.

They also must agree that the defendant anticipated a death would occur and that there were no mitigating circumstances.

Jurors readily agreed that Whitaker anticipated people would die, since he admitted on the witness stand he planned the killings.

They also concluded there were no mitigating circumstances. Whitaker had lived a life of comfort that included travel, cars, a town house, a generous allowance and college tuition paid by his parents.

But the other question stymied the panel.

"We slept on it, we prayed on it and we cried on it," said presiding juror Steve Watkins.

The juror who asked not to be named said she held out the longest for a "no" on the future-threat question. She said she believed Whitaker had never plotted against anyone but his family.

"I felt his mission was accomplished and I felt he wouldn't do it again because that was what he set out to do and that is what he did," she said.

She said another juror finally convinced her Whitaker's basic personality was one of deceit.

"I think that core person always surfaces," she said.

She also cited the fact that he had killed his mother.

"Here is a woman who carried you in her womb for nine months," she said, "and she protected you and supported you for all those years and this is the way she is rewarded."

Watkins said everyone on the panel was shocked Bart Whitaker could persuade five young men to kill for him.

"That was what appalled us, that our society has degraded to the effect that five people could be manipulated into killing complete strangers over money," Watkins said.

The jurors also said they thought Whitaker was not sincere in his testimony and was trying to manipulate them.

"I was praying he would show repentance and give me a reason not to pass that judgment on him," Watkins said.

The Whitaker death penalty decision marks the first time in six years a jury has sentenced someone to death in Fort Bend County.

As the deliberation continued Wednesday night, defense attorney Randy McDonald thought jurors were leaning toward a life sentence.

"I thought we were very close to proving the point and getting the justice the victims wanted in this case," he said. "... With the law in capital murder, if they can't come to a unanimous decision, then it would have resulted in a life sentence."

Kent Whitaker and Patricia Whitaker's brother, William Bartlett, both testified a death sentence would devastate their families.

Concerns for community

District Attorney John Healey praised jurors for their work.

"They did not rush the decision," he said. "I'm sure they weighed the evidence in answering the three questions."

Prosecutor Jeff Strange said it was difficult to pursue the death penalty, knowing family members of the victims opposed it. He said the state had to consider other issues besides the family's wishes.

"We have to look after the concerns of the community. I like these people a lot, but this was not divorce court," Strange said. "It is bigger than just the Bartlett and Whitaker family. The whole community has to know the law will be applied equally in this county. We will be consistent."

"My heart breaks for them. They are truly decent people that deserve better than this, but Bart Whitaker put them in this position."

Whitaker was taken to the county jail and will soon be transferred to the Byrd Diagnostic Unit near Huntsville and then to death row near Livingston.

More trials to come

Co-defendant and accused triggerman Chris Brashear, 24, will be tried separately. Getaway driver Steve Champagne will receive a 15-year sentence in exchange for testifying for the state. Champagne told jurors how he, Whitaker and Brashear carried out the murder plot.

Jurors also heard from three other young men, friends of Whitaker's who were recruited in two other murder plots that went awry. Those three were granted immunity from prosecution.

Meanwhile, the lead detective on the case, Marshall Slot, said he can still see images of the victims. "It has stuck with me," Slot said, "and it still sticks with me."

Copyright notice: All materials in this archive are copyrighted by Houston Chronicle Publishing Company Division, Hearst Newspapers Partnership, L.P., or its news and feature syndicates and wire services. No materials may be directly or indirectly published, posted to Internet and intranet distribution channels, broadcast, rewritten for broadcast or publication or redistributed in any medium. Neither these materials nor any portion thereof may be stored in a computer except for personal and non-commercial use.