

1 Q. Mr. Harter, when she came out to your house--
2 well, let me ask you this. You've known Donna or you had
3 known Donna for several months at that point if longer?

4 A. We actually broke off contact for several months
5 because of the volatile situation that she was in between
6 her and Dustin.

7 Q. Okay. What was, well, what was your
8 understanding about that volatile situation?

9 A. Well, I think I quit talking to her because of
10 the violence between them and I just didn't want to be in
11 it, in the middle of it. And I got a text from him
12 saying I know . . .

13 MS. GARST: Judge, objection to anything.
14 If hearsay's not good for the Commonwealth it's certainly
15 not good for the defense. I object to any hearsay.

16 MR. ALBERTSON: Judge, I believe he, . . .

17 COURT: Mr. Albertson.

18 MR. ALBERTSON: Once again he's explaining
19 why he broke off contact. You can say, you can caution
20 the jury not to take it for the truth of the matter
21 asserted but it's the affect on the listener which such a
22 statement is allowed for.

23 MS. GARST: I'd like to approach the bench.

24 COURT: It's hearsay, Mr. Albertson. I'm
25 not going to allow it.

1 Q. Did she make a statement what she'd done?

2 A. No. I asked, I said, well, you know, what's
3 wrong? What's happened? What happened? And she said
4 that she had shot him.

5 Q. Did you know who she meant when she said him?

6 A. I had a good idea.

7 Q. Did she say the name?

8 A. No.

9 Q. Answer any questions at this time--now, let me
10 just stop you. You didn't call the police immediately at
11 that time to say . . .

12 A. No.

13 Q. . . . there's been a shooting?

14 A. No. She said the cops were banging on the door
15 so I don't think I needed to call them.

16 Q. You didn't think you needed to, right?

17 A. Yeah.

18 Q. And you would have done so.

19 A. Yes.

20 Q. Answer any questions Mr. Albertson or Graves
21 have. Thank you, sir.

22

23 Cross Examination by Mr. Albertson:

24 Q. Good morning, Mr. Harter.

25 A. How are you doing?

1 MS. GARST: Okay. Thank you.

2 COURT: Same objection.

3 MR. ALBERTSON: Judge, if the Court can
4 note my objection.

5 COURT: Note your exception.

6 Q. Well, you received a text message without
7 discussing the text message, is that correct?

8 A. I received a violent text message from him.

9 Q. Now, Mr. Harter, when you . . .

10 A. Threatening me.

11 MS. GARST: Judge, I object. And please,
12 Your Honor, I'd ask that following comment to be
13 stricken.

14 COURT: Comment will be stricken. Ladies
15 and gentlemen, you should not, you should ignore the last
16 statement.

17 Q. Now, Mr. Harter, did Ms. Hockman ever talk to you
18 about this situation herself?

19 A. Yes. We spoke about it.

20 Q. What sort of things had she advised you of that
21 made you break off contact?

22 A. Well, I mean, she had, I knew that they fought
23 because I heard it over the phone, fighting over the
24 phone. And she had told me that he was, you know, beat
25 her door down. And she told me, well, I saw the BMW door

1 and . . .

2 Q. Now, the BMW door.

3 A. Her BMW.

4 Q. Can you describe what you saw on her BMW?

5 A. The dent in the side of it. I saw holes in her
6 wall, you know, that looked like a fist of course had
7 gone through the wall at her house.

8 Q. Did you see other property damage at all?

9 A. Not other than the wall at her house and the BMW.

10 Q. Did she tell you who caused the damage to those
11 items?

12 A. Yeah. She said that Dustin had.

13 Q. Mr. Harter, did you ever see injuries on her?

14 A. I never saw any injuries myself. I did see,
15 well, I have seen bruises but she bruises easily. I
16 don't know whether those were from her, I mean him or
17 what. But I know that I did see, you know, blood in the
18 BMW and he told, she told me that he had hit her in the
19 nose.

20 Q. You saw blood in the BMW?

21 A. Uh huh.

22 Q. Where did you see the blood in the BMW?

23 A. Right near the center console there.

24 Q. Do you have an approximation of when this was
25 that you had, you saw that?

1 A. Do I have . . .

2 Q. Are you able at all to describe when that was?

3 Do you have a memory of when that was?

4 A. It was before I broke off contact with Donna for
5 several months.

6 Q. Okay. Now, when she came to your residence--
7 actually let me go back. Had you ever known her to have
8 a gun before?

9 A. No. No.

10 Q. Now, you are very familiar with guns and
11 firearms, correct?

12 A. Yes.

13 Q. Did you have to train her as you would somebody
14 that had never fired a weapon?

15 A. Yes, absolutely.

16 Q. What was her reaction to the gun initially? Was
17 she at all nervous about it?

18 A. Yeah. I mean anybody I think would be nervous
19 first time holding a handgun. So, yes, I would say
20 because she didn't know how to hold it and how to shoot
21 it and didn't feel comfortable like normal.

22 Q. Now, Mr. Harter, did she tell you why she wanted
23 to come out and practice?

24 A. She said she bought the gun for like self-
25 protection, home defense. I mean I have a Glock in my

1 concealed handgun permit and I mean I keep it at my house
2 for home defense.

3 Q. And she didn't specify why or for who, just that
4 she wanted . . .

5 A. No, never.

6 Q. . . . it for self-protection, is that right?

7 Sir, please answer any questions that Ms. Garst might
8 have for followup.

9 MS. GARST: Just brief followup.

10 COURT: Any re-direct?

11 MS. GARST: Thank you, Your Honor.

12

13 Re-Direct Examination by Ms. Garst:

14 Q. Mr. Albertson asked you about what she told you
15 regarding home defense. Did she ever tell you she was
16 going to shoot Dustin Stanley with this firearm?

17 A. No.

18 Q. Now, Mr. Harter, do you recall how many times she
19 called you on July 25th, just approximately?

20 A. According to the records that we went over in
21 your office a couple times but I don't remember. I do
22 not recall other than . . .

23 Q. Eleven times maybe?

24 A. I don't recall her calling me that many times.

25 Q. Okay.

1 A. I remember the one phone conversation and that's
2 what I told you.

3 Q. Okay. Did she ever try to enlist your help in
4 any way with the murder scene or with the body?

5 A. No.

6 MS. GARST: No other questions.

7 COURT: Very well. Is the witness excused?

8 MS. GARST: He is, Your Honor.

9 MR. ALBERTSON: Yes, sir, he is.

10 COURT: Free to step down. You're free to
11 leave.

12 MS. GARST: Judge, Nicole Riffey.

13 COURT: Nicole Riffey. Ms. Riffey, if
14 you'd come forward before the clerk here and be sworn.

15 CLERK: This way, ma'am. Raise your right
16 hand, please. Do you solemnly swear or affirm the
17 testimony you're about to give will be the whole truth
18 and nothing but the truth, so help you God?

19 MS. RIFFEY: Yes, ma'am.

20 CLERK: Have a seat up there, please.

21

22

23

24

25

(Xb)

Rockingham County Sheriff's Office

Incident Base Report Supplement

Case Number: 2008-051803

Incident Type: Homicide

48

Detective (Name): K.J. Garber

Date: 08-07-08

Case Status:

- Active
- Inactive
- Information
- Cleared (exceptional means)(Need Name, DOB, Race, Sex)
- Cleared by Arrest (Need arrestee sheet)
- TOT

Addendum:

On 07-30-08 at 1129 hours I contacted Brandon Harter. I informed Brandon who I was and asked if I could meet him somewhere to talk. Brandon advised that he had already spoken with the police. Brandon wanted to know what this was about. I explained to Brandon that we often have to re-interview individuals in a case such as this. Brandon advised that he already told the Investigator everything he knows. Brandon informed me that he has a legal right to refuse to speak with me. I asked Brandon if he was suggesting that he was not going to speak with me. I explained to Brandon that if that was the case I would document it as such. Brandon began to ramble, speaking of having a top secret clearance and mentioning the Pentagon. Brandon stated that he was, "Squeaky clean," and that he didn't want to get into trouble. Brandon advised that he wanted to call Marsha Garst and that she was a, "family friend of ours." I informed Brandon that if that would make him feel better that he could go ahead and contact her if he had her cell number. Brandon advised that he didn't know her number. I asked Brandon what he wanted to do. Brandon advised that he has never been through this or questioned before. Brandon informed me that he wanted to make a phone call and that he would call me back. I gave Brandon my number and asked where he currently was. Brandon advised that he was in Bridgewater.

While responding to the area of Bridgewater, I received a call back from Brandon. Brandon advised that he would speak with me. Brandon advised that he had contacted his father and spoke with him about the situation. Brandon's father told him that he didn't have anything to hide and to go ahead and talk. I verified with Brandon his age to make sure he wasn't a juvenile. Brandon advised that he is thirty-two years old but has never been through anything like this. Brandon provided an address of [REDACTED] Victoria Drive in the Town of Bridgewater. This is an address where Brandon was currently working.

8/11/08
APM

Off

An interview was conducted with Brandon at 1205 hours on 07-30-08 at 405 Victoria Drive Bridgewater, VA. Brandon resides at [REDACTED] Harrisonburg, VA. I asked Brandon to provide me with some background information as to how he knows Donna. Brandon advised that he was Donna's best friend for six years. Brandon informed me that he had lost contact with Donna four to five months ago due to Dustin Stanley threatening his life. Brandon advised that Chris Hockman was contacted twice in reference to the threats that Dustin made. Chris is Donna's ex-husband and a law enforcement officer in the Winchester area. A threat was also received in the form of a text three months ago. Brandon advised that Dustin sent him the following text: I know where you sleep motherfucker. Donna had also told Brandon that Dustin was beating her. I inquired whether Brandon had ever observed physical marks on Donna. Brandon informed me that he saw blood splattered on the Beamer (BMW). According to Brandon, this was from Dustin punching Donna in the face. lns 100

Brandon provided some background information in regard to his connection to Donna. Donna was Brandon's boss at Heartland Payments. However, Brandon knew Donna prior to his employment with Heartland. Donna and Brandon went to Jamaica in December of 2007. Brandon described his and Donna's relationship has strictly platonic. I confirmed with Brandon that he had not had contact with Donna for the past four to five months. Brandon advised that he called Donna last Thursday afternoon (07-24-08). I inquired after four to five months why he decided to contact Donna now. Brandon explained that he wanted to see how she was doing. I asked what the conversation was about. Brandon advised that she talked about Dustin calling her. Brandon was asked when he last saw Donna in person. Brandon advised that he also saw Donna on Thursday, 07-24-08. Brandon described Donna asking where he was and stating that she needed a hug. Donna stopped by Brandon's house in the afternoon. Donna informed Brandon that she purchased a gun. Brandon advised that Donna said, "Teach me how to shoot this thing." I asked Brandon what else Donna told him about the gun. Brandon advised Donna told him she had been by the U.S. Training and Development Center and talked to Cindy. Brandon made me aware that he has a concealed handgun permit.

Brandon described having a target set up on his property. Brandon talked about shooting from approximately twenty-five yards. I asked Brandon if he fired the handgun. Brandon admitted to shooting the handgun one time. Brandon described the handgun as a little unknown make semi-black in color snub nose .380 or .38. Brandon showed Donna how to load the handgun. The slide mechanism of the handgun was also explained to Donna. Brandon advised that Donna couldn't hit the target the first time. Brandon stated, "We shot at ten to fifteen feet cause most encounters are within that distance." Donna had full metal jacket and Federal ammunition. I inquired which ammunition Brandon shot. Brandon advised that he shot only one bullet and that it was the target ammunition and not the hollow point. Brandon told Donna that hollow point ammunition does more damage. Brandon estimated that Donna shot approximately half a box of ammunition. The target was described as having black rings with an orange center. I asked Brandon where the target is now. Brandon stated, "Fire." Brandon had a bonfire the same night and burned the target. Brandon stated that he has, "Bonfires all the time." I inquired if Donna shot well. Brandon described Donna shooting high at first. Donna then began shooting at the orange center from ten to fifteen feet away. I asked Brandon if anyone else was there when he and Donna were shooting.

came to Brandon's house

Brandon advised that it was only the two of them. I inquired why Donna was expressing an interest in learning how to shoot. Brandon advised that Donna said she wanted to learn to shoot for self-defense. Donna seemed clear and not worried while she was shooting. However, Brandon felt that Donna was frustrated about Dustin.

I asked Brandon if anything was said about Dustin while Donna was at his house. Brandon informed me that Donna only mentioned that Dustin called her about fifteen times. According to Brandon, Donna was only at his residence for about a half an hour. Donna either left at 1500 or 1530 hours. Donna was talking about having to leave because Dustin wanted his stuff out of the back of the Honda Passport. I asked Brandon if he knew what kind of stuff Dustin was supposed to get. Brandon advised that Dustin wanted his hardhat. I inquired why and Brandon stated, "Maybe to work with." Brandon observed a cord, saw and hardhat in the cargo area of the Passport. Brandon recalls Donna placing the handgun under the driver side seat when she left his house. The gun was in a plastic bag. I inquired what time Donna was supposed to meet Dustin. Brandon explained that Donna was supposed to be meeting Dustin and either had to leave his house by 1430 or 1500 hours. Brandon informed me that he heard nothing more from Donna on Thursday, 07-24-08. Brandon advised that he doesn't know if Donna and Dustin were together Thursday evening and night.

Brandon heard from Donna on Friday morning, 07-25-08. Brandon referred to this phone call as when the police showed up. According to Brandon, Donna called six or seven people. Brandon mentioned that everyone has called him. I asked Brandon to provide details as to his phone conversation with Donna. Donna told Brandon the Sheriff's Department was at the door. Donna also told Brandon that he needed to get a lawyer and that somebody's been shot. Brandon asked Donna two or three times, "Did you shoot him?" Donna said yes, get me a lawyer.

and ext 2600 in due

Brandon was asked to explain his knowledge of why Donna had a rental vehicle. Brandon informed me that Dustin caused \$5500.00 damage to the inside portion of the BMW door. Brandon advised that the damage occurred a couple of months ago. Donna was getting the BMW repaired and therefore had a rental car.

Brandon and I spoke about what he has heard happened regarding the shooting. Cindy told Brandon that Sherrine said Dustin had a knife to Kristoffer's throat. Cindy also told Brandon that Dustin was shot in the back five times. Brandon heard that Donna called Steve with Emergicare, Cindy, Travis Armstrong with Steven Toyota and maybe Sherrine. Brandon advised that he hasn't talked to Donna since she called on 07-25-08. Brandon explained that Sherrine spoke with the police at the scene. Brandon elaborated that this was where Sherrine found out that the knife was loaded and wrapped in plastic back of the Passport. Kristoffer, Donna's son, called Brandon on 07-26-08 or 07-27-08. Kristoffer wanted to get a lawyer for his mom.

I spoke with Brandon about conversations that he had with Donna in the past. I asked if he and Donna had ever discussed what type or caliber of handgun to purchase. Brandon advised that they never had this discussion. Brandon observed a business card from the U.S. Training and Development Center in Donna's Passport. I asked Brandon about Donna having knowledge of Cindy working at the training center. Brandon advised that it was a surprise when Donna walked in and saw Cindy.

Towards the conclusion of this interview I asked Brandon who he has told about target practicing with Donna.

DJH

Brandon advised that he told his brother, Bryan Harter, parents, Rusty Showalter, Tommy Osinkosky and Cindy. Brandon stated, "Cindy and I are close." I inquired whether Brandon told anyone specifically that he fired the handgun. Brandon advised that he did not. Brandon asked me to write down the following while I was taking notes: "If I would have known she had those intentions, wouldn't have shown up, wouldn't have helped her."

I informed Brandon that it seemed odd that he called Donna out of the blue after not talking to her for months. I asked Brandon to be honest about his reconnection with Donna. Brandon advised that Steve wanted Brandon to call Donna. Brandon spoke with Steve on Wednesday (07-23-08) or Thursday (07-24-08). Steve wanted Brandon to make things right with Donna.

A handwritten signature in black ink, appearing to read "B. Harter".