

**IN THE CIRCUIT COURT
FOR ESCAMBIA COUNTY, FLORIDA**

STATE OF FLORIDA
Plaintiff,

v.

DONALD WAYNE HARTUNG,
Defendant

Clerk No.: 1715CF004806A

Agency No.: ECSO15OFF020684

Division: C

**STATE'S RESPONSE TO DEFENDANT'S
MOTIONS TO PROHIBIT MENTIONING DEFENDANT'S RELIGION AND
TO PROHIBIT MENTIONING DECEDENT, VONCILE SMITH'S WILL**

COMES NOW the State of Florida, by and through its undersigned Assistant State Attorney, and files this response to both of the above-styled motions and states:

1. The Defendant is presently charged with three counts of first degree premeditated murder.
2. The State is required to establish that the Defendant killed with premeditation, which is defined as:

"Killing with premeditation" is killing after consciously deciding to do so. The decision must be present in the mind at the time of the killing. The law does not fix the exact period of time that must pass between the formation of the premeditated intent to kill and the killing. The period of time must be long enough to allow reflection by the defendant. The premeditated intent to kill must be formed before the killing.

Fla. Std. Jury Instr. (Crim.) 7.2.

3. The motive for the commission of murder is relevant to establishing this premeditation. See, e.g. Pagan v. State, 830 So. 2d 792 (Fla. 2002).
4. Additionally, evidence that the killing was the product of cool and calm reflection is relevant to show premeditation. See, McGirth v. State, 48 So. 3d 777 (Fla. 2010).

5. In a May 4, 2016 recorded interview, a witness, Marlin Purifoy, stated that he began talking with the Defendant about his religion and that the Defendant began confessing (Purifoy Interview Tr., Exhibit 1, 7:7-25). The Defendant further stated to Mr. Purifoy that he had been planning these murders for the last four years. (Purifoy Interview Tr., Exhibit 1, 8:24-25). Additionally, the Defendant told Mr. Purifoy that after the murders, he changed his clothes and got rid of them, along with other items, by giving “all the stuff” to a high priest in a Wiccan church. (Purifoy Interview Tr., Exhibit 1, 16:10-24; 21:7-16).
6. During a second recorded interview on June 17, 2016, Mr. Purifoy stated that the Defendant told him he began planning this murder since 2012 because his mother told him about the will. (Purifoy Interview Tr., Exhibit 2, 6:11-12). Additionally, Mr. Purifoy related that the Defendant told him that “the Ouija Board . . . gave him the go-ahead” to commit the crime. (Purifoy Interview Tr., Exhibit 2, 6:24-7:6). The Defendant also told Mr. Purifoy that the whole motive was money because he was out of the will. (Purifoy Interview Tr., Exhibit 2, 7:8-9).
7. The evidence set forth in Mr. Purifoy’s two statements are relevant to establishing material elements of intent and motive. The probative value of these statements outweighs any prejudice and the Defendant’s motions should be denied.

WHEREFORE, the State moves this Honorable Court to deny the Defendant's motions.

Respectfully submitted,



JOHN A MOLCHAN
EMAIL: jmolchan@sa01.org
FLORIDA BAR NO: 0747580
ASSISTANT STATE ATTORNEY
PO BOX 12726
PENSACOLA, FL 32591-2726
PHONE: (850) 595-4243

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a copy of the foregoing was mailed to **MICHAEL J GRIFFITH**, 304 E Government St, P.O. Box 848, Pensacola, FL, 32502 by mail/delivery/electronically on 8-11-17.



JOHN A MOLCHAN
ASSISTANT STATE ATTORNEY

1 IN THE CIRCUIT COURT OF THE FIRST JUDICIAL CIRCUIT

2 IN AND FOR ESCAMBIA COUNTY, FLORIDA

3
4 STATE OF FLORIDA,

5 Plaintiff,

ORIGINAL

6 -vs-

CASE NO.: 2015 CF 004806A

7
8 DONALD WAYNE HARTUNG,

9 Defendant.

10 -----
11 RECORDED INTERVIEW OF MARLIN PURIFOY

12 TIME: 11:06 a.m.

13 DATE: May 4th, 2016

14 PLACE: Escambia County Jail, L Street location,
15 Pensacola, Florida.

16 Transcribed from DVD by Deborah G. Kharuf,
17 Court Reporter and Notary Public,
18 State of Florida at Large.

19
20 ANCHOR COURT REPORTING

21 AnchorReporters@aol.com

22 PENSACOLA, FLORIDA

MILTON, FLORIDA

23 (850) 432-2511

(850) 983-2409

24 (850) 432-2302

(850) 983-2411

25 1-800-563-6409

RECEIVED

STATE'S
EXHIBIT

1

A P P E A R A N C E S

REPRESENTING THE STATE:

BRIDGETT JENSEN, ESQUIRE
(NOT PRESENT)
ASSISTANT STATE ATTORNEY
190 GOVERNMENTAL CENTER
PENSACOLA, FLORIDA 32502

REPRESENTING THE DEFENDANT:

MICHAEL GRIFFITH, ESQUIRE
(NOT PRESENT)
ATTORNEY AT LAW
304 EAST GOVERNMENT STREET
PENSACOLA, FLORIDA 32502

REPRESENTING THE WITNESS:

FRANCIS "MO" ROBERTS, ESQUIRE
ASSISTANT PUBLIC DEFENDER
190 GOVERNMENTAL CENTER
PENSACOLA, FLORIDA 32502

ALSO PRESENT:

INVESTIGATOR WAYNE WRIGHT
FDLE SPECIAL AGENT MATT INFINGER

DEBORAH G. KHARUF, COURT REPORTER
(NOT PRESENT)
ANCHOR COURT REPORTING
POST OFFICE BOX 12444
PENSACOLA, FLORIDA 32591-2444
(850) 432-2511
1-800-563-6409
AnchorReporters@aol.com

1 P-R-O-C-E-E-D-I-N-G-S

2 INVESTIGATOR WRIGHT: This is Investigator
3 Wright. It is May 4th, 2016, at approximately 11:00 a.m.
4 at the Escambia County Jail with defense attorney,
5 Francis "Mo" Roberts, FDLE Special Agent, Matt Infinger,
6 and I am Investigator Wright with the State Attorney's
7 Office, and we are with Mr. Marlin Purifoy.

8 MR. ROBERTS: This is Mo Roberts for Mr.
9 Purifoy. Before you, Mr. Wayne Wright, came in here and
10 Mr. Infinger, I was talking to Mr. Purifoy. And one of
11 the things that you and I talked about, just to clear the
12 record, is the fact that the State Attorney's Office is
13 not making a specific promise to Mr. Purifoy.

14 The -- Mr. Purifoy did tell me that he has
15 some information about another case -- an unresolved
16 case, and I did talk to the State Attorney's Office. And
17 my understanding -- and I have explained this to him --
18 understand if he gives information at the time of his
19 sentence in how these cases resolve, if there is a
20 sentencing, the State Attorney's Office will let, if the
21 information arises to substantial assistance, the State
22 Attorney's Office will let the Judge know that.

23 Then, it will be ultimately up to the
24 Judge to do what she sees fit with that information. And
25 the Judge could act upon it. Or she could choose not to

1 act upon it. So I have not made him any specific
2 promise, and the State Attorney's Office has not made me
3 in turn to make him any specific promise. And I have
4 explained this to him.

5 It is still his free will to speak or
6 choose not to speak and he has decided that he wants to
7 -- he still wants to talk to you-all.

8 I have advised him to be honest, not to
9 throw anybody under the bus or try to protect anybody,
10 so -- and if this -- if I foresee this conversation not
11 going into any reason why he's in jail, obviously --

12 INVESTIGATOR WRIGHT: Right.

13 MR. ROBERTS: -- or any other crime that
14 he may have committed in the past or that is unsolvable
15 or whatever. It's just limited to this case that he
16 wants to talk about.

17 And if he tries to say anything that may,
18 obviously -- or any question asked that I think may
19 elicit an answer that may incriminate him on another case
20 or this case, then, obviously, I, as his attorney, will
21 object to that and advise him not to answer the question.

22 INVESTIGATOR WRIGHT: Right.

23 MR. ROBERTS: Having said that,
24 Mr. Infinger, you can go ahead and ask your questions.

25 INVESTIGATOR INFINGER: State your name

1 for me.

2 THE WITNESS: My name is Marlin Devon
3 Purifoy.

4 INVESTIGATOR INFINGER: And your date of
5 birth?

6 THE WITNESS: 1974.

7 INVESTIGATOR INFINGER: I am
8 Investigator -- I am a Special Agent now -- Matt Infinger
9 with the Florida Department of Law Enforcement.

10 At the time when this incident happened
11 with the Smith family and Donald Hartung --

12 THE WITNESS: Yeah.

13 INVESTIGATOR INFINGER: -- I was an
14 Investigator at the Sheriff's Office. Okay?

15 THE WITNESS: Yes, sir.

16 INVESTIGATOR INFINGER: So I am still
17 involved with the case. I just work with FDLE now.
18 Okay?

19 THE WITNESS: Uh-huh.

20 INVESTIGATOR INFINGER: And like
21 Mr. Roberts, your attorney, told you, we can't promise
22 you anything. What you say here today, we will take back
23 and discuss with the State Attorney, okay, and then, we
24 will be in touch with Mr. Roberts --

25 THE WITNESS: Okay.

1 INVESTIGATOR INFINGER: -- at a further --
2 at a later time. Okay?

3 THE WITNESS: Okay.

4 INVESTIGATOR INFINGER: With that being
5 said, do you have any questions for me before we start?

6 THE WITNESS: No. Not really.

7 INVESTIGATOR INFINGER: Okay. I
8 understand that you are in the same cell with Donald
9 Hartung?

10 THE WITNESS: Yeah. Same pod. Yeah.

11 INVESTIGATOR INFINGER: So are you in the
12 same cell or just the same pod?

13 THE WITNESS: Same pod.

14 INVESTIGATOR INFINGER: Okay.

15 THE WITNESS: I am in the cell almost
16 every day, though.

17 INVESTIGATOR INFINGER: Okay. So you hang
18 out a lot?

19 THE WITNESS: Hang out. Yes, sir.

20 INVESTIGATOR INFINGER: All right. Tell
21 me what you know about why he is in jail and just kind of
22 start from the beginning when you had contact with him.

23 THE WITNESS: Okay. I started going in
24 his cell -- do you know what I am saying -- you know,
25 talking to him and stuff -- do you know what I am

1 saying -- because he knows what I was there for -- do you
2 know what I am saying -- so he started talking and stuff.

3 So we started, like, having a
4 relationship -- do you know what I am saying -- like, for
5 talking to each other. Do you know what I am saying?

6 INVESTIGATOR INFINGER: Uh-huh.

7 THE WITNESS: So he was, like, you know,
8 he believe in Wiccan (sic) -- do you know what I am
9 saying, which is like witchcraft, whatever I am saying,
10 so I told him that I do my thing with voodoo and stuff --
11 do you know what I am saying?

12 INVESTIGATOR INFINGER: Right.

13 THE WITNESS: So we started conversating
14 then. Do you know what I am saying? So he started
15 telling me about his three-year-old boy got molested a
16 long time ago, like three years old -- do you know what I
17 am saying? And the brother, John, supposed to have did
18 it.

19 So his mother -- so he went to his mother
20 about it, but his mother never believed him -- believed
21 the little three-year-old boy. Do you know what I am
22 saying?

23 So ever since then, he say he was messed
24 up with his family about that -- do you know what I am
25 saying -- because the child got molested.

1 INVESTIGATOR INFINGER: Right.

2 THE WITNESS: So he was telling me about,
3 you know, he had been -- I guess them -- for a long time
4 since he was up in Virginia. So he say he moved down
5 here in 1999. Do you know what I am saying?

6 INVESTIGATOR INFINGER: Uh-huh.

7 THE WITNESS: So, you know, he was telling
8 me a little story that his mother treated him differently
9 from the other boys because he said he had different
10 daddys.

11 He said he had his own daddy, but he never
12 knew his daddy, but John and Ortiz had the same daddy, so
13 his mother treated him different from him. Do you know
14 what I am saying?

15 INVESTIGATOR INFINGER: Right.

16 THE WITNESS: So, basically, he was
17 telling me that he go over there and cook every
18 Tuesday -- do you know what I am saying -- while he off
19 work and stuff.

20 So this specific Tuesday -- this specific
21 Tuesday -- do you know what I am saying -- he told me
22 that he went over there and killed them -- do you know
23 what I am saying -- killed the family.

24 But he had been planning this for the last
25 four years -- do you know what I am saying -- to get them

1 since he has been practicing Wiccan and stuff -- do you
2 know what I am saying -- because he say he want to get
3 all the instate (sic).

4 He wanted to get all the money -- do you
5 know what I am saying -- from them -- do you know what I
6 am saying -- because of how they treated him in the past.
7 Do you know what I am saying?

8 INVESTIGATOR INFINGER: Right.

9 THE WITNESS: So he say he came over there
10 about 12:30 that Tuesday. I think it was like -- end
11 of -- maybe end of July, something like that. So he say
12 he got over there. He already had clothes over there --
13 do you know what I am saying -- that he changed in. But
14 he cooked first, though. He said he cooked some
15 biscuits, chicken, green -- green beans and corn.

16 Okay. He cooked that about 1:00 o'clock.
17 He say he started feeding -- so everyone started eating
18 by 1:45, something like that. He said while John and his
19 mother were eating, he went and changed clothes. He had
20 some DVD cameras. He took all them out and put them in
21 the trash can that was next to the laundry room -- do you
22 know what I am saying -- because his -- he said his
23 brother Ortiz had a phone that he can -- he can activate
24 the cameras to see his mother because his mother had fell
25 down one time, so that's why they need the DVD cameras

1 for.

2 So he did that -- do you know what I
3 am saying -- he took that down and stuff. So he got a
4 hammer and he hit his brother -- you know, John, in the
5 head several times, then cut his throat -- do you know
6 what I am saying -- killed him.

7 Then, he said he went in there to his
8 mother. Before he killed his mother, he cut her left
9 pinky finger off to torture her to tell him where the
10 combination for the safe is at -- do you know what I am
11 saying -- and I guess she told him. She told him where
12 the safe was. It was in an old purse.

13 So he got it. He then slit her throat --
14 bashed her in the head first, and then, slit her throat,
15 and then drug her into John's room and put clothes over
16 her.

17 But he said the reason he put the clothes
18 over them because that's -- they couldn't tell the time
19 of death -- do you know what I am saying? He is real
20 smart. He is not -- he is not no dummy -- do you know
21 what I am saying? He is real, real smart.

22 INVESTIGATOR INFINGER: Uh-huh.

23 THE WITNESS: So he killed her and drug
24 her and put clothes on her and then put clothes over
25 John, too. Do you know what I am saying? So he started

1 going through the safe. He had the combination to the
2 safe. Do you know what I am saying?

3 So she had a safe in her room, which is in
4 her closet, which was under the rug. He went to that
5 safe first. That one had all the gold coins and all the
6 money.

7 Now he say he got, like, a couple hundred
8 thousand dollars out of that safe. Do you know what I am
9 saying? So he got that. So she had, like, some more
10 safes in there, like six more safes, so he went through
11 all of the safes.

12 INVESTIGATOR INFINGER: Okay. Let me ask
13 you one question: To be specific, the first safe that he
14 tortured his mom about getting the combination to where
15 he cut her pinky, you said --

16 THE WITNESS: Yeah. He cut --

17 INVESTIGATOR INFINGER: -- where was that
18 safe again?

19 THE WITNESS: That was in his -- in her
20 room up under the rug.

21 INVESTIGATOR INFINGER: Okay.

22 THE WITNESS: That safe had everything in
23 it. It had gold -- let me tell you -- let me tell you
24 what it had in there.

25 INVESTIGATOR INFINGER: So he described it

1 as being like in the floor or something?

2 THE WITNESS: It was in the floor. He
3 said it was in her closet in the floor under the rug.

4 INVESTIGATOR INFINGER: Okay. Okay.

5 THE WITNESS: See --

6 INVESTIGATOR INFINGER: All right.

7 THE WITNESS: He told me that.

8 INVESTIGATOR INFINGER: Okay.

9 THE WITNESS: Do you know what I am
10 saying? So he got -- so he got a whole bunch of
11 combination to the safes -- do you know what I am saying?
12 He went through all of the safes. But the main one his
13 mother had -- had like a couple of \$100,000 in there,
14 like \$300,000.

15 It had some gold coins, a bunch of jewelry
16 and stuff -- do you know what I am saying? So he got the
17 coins still. He say some of the coins date back to 1860,
18 something like that, in the Civil War. He got 60 of
19 them. Do you know what I am saying?

20 INVESTIGATOR INFINGER: Okay.

21 THE WITNESS: So he went through all the
22 safes and stuff -- do you know what I am saying -- while
23 they was dead and stuff --

24 INVESTIGATOR INFINGER: Right.

25 THE WITNESS: -- before his brother Ortiz

1 came home. Do you know what I am saying?

2 INVESTIGATOR INFINGER: Okay.

3 THE WITNESS: So he had like a couple.

4 Then, he say he didn't bring his dog over that day --

5 what his dog named Zena. He left his dog because he know

6 what he was going to do that day.

7 Do you know what I am saying? He, like,

8 he smokes cigarettes and stuff, too. He say he smoked a

9 couple of cigarettes. Yeah. He say he had a cigarette

10 with his mother, too, when he got over there, too.

11 INVESTIGATOR INFINGER: Okay.

12 THE WITNESS: Do you know what I am

13 saying? So he had a cigarette with her. So he went --

14 he go through all her purses and stuff and started

15 throwing a lot of them in the trash can.

16 He threw the DVD cameras in the trashcan,

17 too -- do you know what I am saying -- which is by the

18 laundry room. Do you know what I am saying? He was

19 basically telling me how he got away with it. Do you

20 know what I am saying?

21 INVESTIGATOR INFINGER: Uh-huh.

22 THE WITNESS: So he said when he went

23 through all the safes, he say -- his mother supposed to

24 have some jewelry in her room, but he knew that was no

25 good jewelry, so he didn't mess with that.

1 But he said he basically went through all
2 six safes -- do you know what I am saying?

3 INVESTIGATOR INFINGER: Okay.

4 THE WITNESS: And then, his brother came
5 home. His brother got there, he say, about -- I think he
6 say 7:00 o'clock, but his brother -- I think the brother
7 made a phone call, but his brother, like, didn't activate
8 the cameras, so he got the DVD cameras to see his mother
9 answer the phone. He activates the camera. I don't
10 think he did it, though, but he came straight home.

11 He say he was hiding when his brother
12 walked in -- in the house. He said he shot his brother
13 in the neck -- do you know what I am saying -- then, they
14 started, like, tussling. He started, like, trying to --
15 he started stabbing the brother, like, with knives and
16 stuff. I guess he cut him up, whatever -- do you know
17 what I am saying?

18 Anyway, he got him on the ground. He cut
19 his throat and killed him. Do you know what I am saying?
20 But he had a (UNINTELLIGIBLE) -- when he tell the thing,
21 he had a silencer, too. Yeah. He had a silencer.

22 INVESTIGATOR WRIGHT: A Salison? (sic)

23 THE WITNESS: A silencer for a gun.

24 INVESTIGATOR WRIGHT: Okay.

25 THE WITNESS: He had a silencer. He shot

1 his brother. He is real smart now.

2 INVESTIGATOR INFINGER: Did he tell you he

3 had a silencer?

4 THE WITNESS: Yeah. He told me he had a

5 silencer.

6 INVESTIGATOR INFINGER: Okay.

7 THE WITNESS: Me and him talk because I

8 was telling him to stop by me. Right? But I was trying

9 to get information from him.

10 INVESTIGATOR INFINGER: Yeah.

11 THE WITNESS: But he -- no, he -- I am

12 going to show this back -- I ain't going to lie -- this

13 is his handwriting right here. I can tell you what books

14 he read.

15 INVESTIGATOR INFINGER: Okay.

16 THE WITNESS: That's his handwriting.

17 MR. ROBERTS: Those are books he read

18 or --

19 THE WITNESS: Those are books he told me

20 to go get to practice -- practice witchcraft.

21 INVESTIGATOR INFINGER: Okay.

22 THE WITNESS: That's his handwriting.

23 MR. ROBERTS: Okay.

24 INVESTIGATOR INFINGER: Do you mind if we

25 keep this? Or do you need it?

1 THE WITNESS: No. You can keep it.

2 INVESTIGATOR INFINGER: Okay.

3 THE WITNESS: That's why I bring it down
4 here for.

5 INVESTIGATOR INFINGER: Okay. Cool.

6 Thank you. All right.

7 THE WITNESS: Okay. This is -- let me
8 tell you about the clothes.

9 INVESTIGATOR INFINGER: Okay.

10 THE WITNESS: Okay. He changed -- he
11 changed his clothes. He had a mask on, too -- do you
12 know what I am saying -- so he wouldn't get no gunpowder,
13 so that's why he never -- that's why y'all couldn't find
14 no gunpowder on him.

15 The clothes and stuff, he got rid of.
16 Okay. It's a church on Nine Mile Road. He say there's
17 two of them that sit on the hill. Okay? They got a
18 leader there that practice Wiccan, a priest, a high
19 priest. He had help. He gave -- he gave all the stuff
20 to them.

21 And they -- I guess they took it out of
22 town -- like the coins. He said the coins, they will
23 never find them, he said, until he get out. But he had
24 help.

25 INVESTIGATOR INFINGER: And it was

1 supposedly from somebody on Nine Mile Road at a church?

2 THE WITNESS: Yeah. A church. That's the
3 church he told me to go to if I wanted to join the
4 Wiccan -- be in a coven. You see -- okay. It's two
5 churches that sit on the hill on Nine Mile Road.

6 I don't -- he was telling me about them.

7 INVESTIGATOR INFINGER: Did he tell you
8 the name of them, maybe?

9 THE WITNESS: He didn't. I think he did
10 tell me the name. I can't remember, though. I know it
11 is two of them that sit on the hill. They practice
12 Wiccan there.

13 INVESTIGATOR INFINGER: Okay.

14 THE WITNESS: So he gave -- he gave all
15 the money and everything to that high priest.

16 INVESTIGATOR INFINGER: Huh.

17 THE WITNESS: Yeah. I know for sure. I
18 know that for a -- yes, he did that.

19 INVESTIGATOR INFINGER: All right.

20 THE WITNESS: So he had help in there.
21 And he said that day, he didn't really go outside and
22 smoke cigarettes, either. Do you know what I am saying?
23 He said he stayed in and stuff or whatever.

24 INVESTIGATOR INFINGER: What did he say he
25 did with those cigarettes?

1 THE WITNESS: The cigarettes? He said he
2 put them in the trashcan.

3 INVESTIGATOR INFINGER: Okay.

4 THE WITNESS: I guess is where the DVD
5 camera stuff was.

6 INVESTIGATOR INFINGER: Okay.

7 THE WITNESS: If your name Matt Infinger,
8 he got a real grudge against you.

9 INVESTIGATOR INFINGER: Uh-huh.

10 THE WITNESS: I can tell you some stuff he
11 said he will do to you when he get out.

12 INVESTIGATOR INFINGER: Oh, I am sure.

13 THE WITNESS: Yeah.

14 INVESTIGATOR INFINGER: What does he say?

15 THE WITNESS: He say he is going to make
16 sure you get -- you get put away.

17 INVESTIGATOR INFINGER: All right. All
18 right.

19 THE WITNESS: Because he is mad with you.

20 INVESTIGATOR INFINGER: Oh, I am sure.

21 THE WITNESS: He say -- he told me you was
22 in the Marines, that you are built real, real good. He
23 told me all that.

24 INVESTIGATOR INFINGER: Okay.

25 THE WITNESS: He got a real hatred towards

1 you.

2 INVESTIGATOR INFINGER: I am sure he does.

3 THE WITNESS: Uh-huh.

4 INVESTIGATOR INFINGER: Is there anything
5 else that he told you that I think -- that I need to
6 know?

7 THE WITNESS: He told me so much stuff,
8 man. Most of it, I had to write it down -- he was
9 telling me stuff that he --

10 INVESTIGATOR INFINGER: Okay.

11 THE WITNESS: He say he left -- after he
12 killed his brother, he left about 7:45, 7:30, but he told
13 y'all he left at 5:00.

14 He just told y'all that so it won't put
15 him at the time of the scene he killed his brother, but
16 he left at 7:00-something.

17 INVESTIGATOR INFINGER: Okay.

18 THE WITNESS: He told me that.

19 INVESTIGATOR INFINGER: Okay.

20 THE WITNESS: Like I say, he is a real
21 smart dude, man.

22 INVESTIGATOR INFINGER: And you said he
23 told you he had been planning this for about four years?

24 THE WITNESS: Yeah. He had been planning
25 it. His mother done stayed about -- he stayed about four

1 years. Okay. His mother told him that she marked his
2 son out of the will. She didn't want him to get nothing
3 of hers -- his son in Virginia -- so he got really pissed
4 off about that.

5 I think his son's name after him -- Donald
6 Hartung, Junior. She didn't want nothing to do with him
7 because she was mad at him when he was a three-year-old
8 boy that he said that John molested him.

9 INVESTIGATOR INFINGER: Oh, okay.

10 THE WITNESS: So he was holding that the
11 whole time against them. But he tortured his mother,
12 though. He cut her pinky finger off until she told where
13 the combination was to the safe.

14 That's why I knew the combination to the
15 safe was (INAUDIBLE) -- Ortiz -- do you know what I am
16 saying -- but he did -- but he had no time to go through
17 all the safes like three or four hours before Ortiz got
18 home.

19 And, also, he put everything in a brown
20 plastic -- a brown paper bag and got away with it and the
21 clothes and everything. That's why no blood in the car
22 or nothing like that. He had everything in the bag.
23 Yeah.

24 INVESTIGATOR INFINGER: Did he say
25 anything other about -- you said he told you he had a

1 mask on and he had some other clothes that he got rid of.
2 Did he say he was wearing anything else when he did this?

3 THE WITNESS: He came in there. He came
4 and he told me he came in there in his shorts, but he
5 changed in other clothes, tennis shoes, stuff like that.

6 INVESTIGATOR INFINGER: Okay.

7 THE WITNESS: Yeah. So he got rid of all
8 of that. That's when he said he gave it to the priests.

9 INVESTIGATOR INFINGER: Did he tell you
10 what he did with the knife or the gun?

11 THE WITNESS: He gave everything to the
12 people.

13 INVESTIGATOR INFINGER: Okay.

14 THE WITNESS: Yeah. He gave everything,
15 the knife, everything he had to that priest on Nine Mile
16 Road. Yeah.

17 INVESTIGATOR WRIGHT: Did he tell you
18 where he got a silencer from?

19 THE WITNESS: No. He didn't tell me where
20 he got a silencer from.

21 INVESTIGATOR WRIGHT: Did he tell you what
22 kind of gun it was or what caliber?

23 THE WITNESS: He didn't say. He just shot
24 him with a high-powered gun. That's all he said. He
25 didn't tell me all that. He didn't go into details

1 whether it was a .45 whatever -- do you know what I am
2 saying -- like that. He said it was a big gun.

3 He said Ortiz was a big boy --

4 INVESTIGATOR INFINGER: Right.

5 THE WITNESS: -- so he had to shoot him
6 with a gun.

7 INVESTIGATOR INFINGER: I got you.

8 THE WITNESS: Yeah. But he killed his
9 brother John. John had his back turned while he killed
10 him and slashed his throat.

11 INVESTIGATOR INFINGER: Did he tell you
12 where in the house John was when he killed him?

13 THE WITNESS: Yeah. He was in the back,
14 then, in a chair.

15 INVESTIGATOR INFINGER: Oh, okay.

16 THE WITNESS: Yeah. He killed him first.

17 INVESTIGATOR INFINGER: Okay.

18 THE WITNESS: Uh-huh.

19 INVESTIGATOR INFINGER: And then, where
20 was the mother?

21 THE WITNESS: She was in the recliner
22 chair where she always -- he killed her.

23 INVESTIGATOR INFINGER: Okay. And then,
24 you said he drugged -- he said he drugged her to John's
25 room?

1 THE WITNESS: Drugged her to John's
2 room.

3 INVESTIGATOR INFINGER: Okay. And then,
4 he put all the clothes on top of him to do what now?

5 THE WITNESS: He put the clothes in there
6 so you can't tell the time of death -- do you know what I
7 am saying?

8 INVESTIGATOR INFINGER: Right. Did he
9 ever talk about this Wiccan stuff having anything to do
10 with why he killed his parents?

11 THE WITNESS: Uh-huh.

12 INVESTIGATOR INFINGER: Or his family?
13 What did he say about that?

14 THE WITNESS: He said -- he said some kind
15 of keyboard told him to kill his family. That's what he
16 said. But he said he has been planning this the whole
17 time, though.

18 INVESTIGATOR INFINGER: For four years?

19 THE WITNESS: For four years.

20 INVESTIGATOR INFINGER: And the main
21 reason that he did this -- is it -- from what he told
22 you -- was to get all the money?

23 THE WITNESS: Yeah. He want all the
24 money.

25 INVESTIGATOR INFINGER: And it was -- it

1 stemmed from his son getting molested by John and his mom
2 not believing him?

3 THE WITNESS: Yeah. John -- still for
4 John molesting his son when John was like 16 years old
5 and his son is three years old.

6 INVESTIGATOR INFINGER: Okay.

7 THE WITNESS: He is still hot by that. He
8 was still hot by that. He was hot by that.

9 INVESTIGATOR INFINGER: All right.

10 THE WITNESS: So he say he had been
11 planning that for a while to get them back. Plus he say
12 his mother treated him different, too. Because, like I
13 said, he say he is ten years older than his brother. And
14 their daddy -- I guess they have the same daddy, John and
15 Ortiz, and he didn't like that -- how his mother treated
16 him.

17 INVESTIGATOR INFINGER: All right. Did he
18 say anything about how he got money to pay for his
19 attorney or anything like that?

20 THE WITNESS: He say he had some money put
21 away is what he told me. He say he gave Michael Griffith
22 \$95,000.

23 INVESTIGATOR INFINGER: Okay. All right.

24 INVESTIGATOR WRIGHT: Wow.

25 THE WITNESS: He got money out that --

1 it's a lot of money in that safe in his mother's room.
2 He said over hundreds of thousands of dollars -- probably
3 like \$300,000 or \$400,000 in that safe. It was gold in
4 that safe, all types of jewelry. His mother got jewelry
5 -- all that jewelry and stuff. I think he said -- he
6 said he took -- he took a couple of jewelry off of her
7 finger too, I think.

8 INVESTIGATOR INFINGER: Okay.

9 MR. ROBERTS: Is there anything in
10 particular-- you may have some more questions. I am just
11 brainstorming. Is there anything in particular that you
12 guys don't know right now that you may want Mr. Purifoy
13 to inquire into?

14 INVESTIGATOR WRIGHT: Well, I don't want
15 him to ask -- to operate -- if I have him ask specific
16 questions for us, he becomes our agent. And then, that
17 creates some other problems for us. So I don't -- I
18 don't want -- if you happen to be in the cell with him
19 and he is volunteering information, I would love to hear
20 more about it --

21 THE WITNESS: Yeah.

22 INVESTIGATOR WRIGHT: But I don't want to
23 do anything that make it appear that you are working for
24 us.

25 THE WITNESS: I know. I been to --

1 (unintelligible) -- I know what y'all are talking about.
2 I know.

3 INVESTIGATOR INFINGER: Yeah. We can't
4 tell you to go ask him specific questions.

5 THE WITNESS: Yeah.

6 INVESTIGATOR INFINGER: Has he ever
7 mentioned anything about any gloves or anything like
8 that?

9 THE WITNESS: Yeah. Yeah. He had gloves.
10 See, he came in there with the gloves, like, in his
11 shorts -- do you know what I am saying -- when he got in
12 there. Do you know what I am saying?

13 Yeah. So that's how he get the gloves.
14 So the gloves -- he said the gloves, he came in with. He
15 already had pants and stuff already over at his mother's
16 house. Like I say, he had been planning this -- do you
17 know what I am saying?

18 INVESTIGATOR INFINGER: Right.

19 THE WITNESS: So he got rid of all the
20 gloves -- he gave it to the priest over there on Nine
21 Mile Road. I know that for sure -- he gave all that
22 stuff to him.

23 INVESTIGATOR WRIGHT: Did he say the
24 priest's name or like a nickname?

25 INVESTIGATOR INFINGER: Is it a man or a

1 woman or --

2 THE WITNESS: He says it's a man. That's
3 all he said. He told me if I wanted to get out and go
4 join the coven with them. He had help. Trust me when I
5 say that. He had help.

6 INVESTIGATOR INFINGER: If it comes up
7 again -- and he is talking about that church, see if he
8 will tell you the name if it comes up again.

9 THE WITNESS: I will ask. I know some --
10 I know it's on Nine Mile Road. And he just told me that
11 last night what --

12 INVESTIGATOR INFINGER: If he provides you
13 any information about that church, let Mr. Roberts here
14 know and he will get with us.

15 Anything about this, let Mr. Roberts know,
16 okay, and he will get in contact with us. I would rather
17 do it that way --

18 THE WITNESS: Okay.

19 INVESTIGATOR INFINGER: -- than send a
20 note through the guard.

21 INVESTIGATOR WRIGHT: That's best.

22 INVESTIGATOR INFINGER: I would rather you
23 talk to your attorney and go through him. Okay?

24 MR. ROBERTS: As I have told you in the
25 past, if you want to talk to me, just four simple words,

1 "Please come see me."

2 THE WITNESS: Yeah.

3 MR. ROBERTS: That's it. And when you
4 write that, I will know what to do.

5 THE WITNESS: Yeah.

6 MR. ROBERTS: Don't write in the letter
7 what you have to say. Don't write -- don't call and be
8 saying, "Call my lawyer," and tell them you will come to
9 see me.

10 Just write, "Please come see me." When I
11 get that from you, I know what to do.

12 THE WITNESS: Okay. He say -- he was
13 like -- he didn't know the boy Ortiz had a safe in his
14 room. It had, like, \$16,000 -- \$16,500. He didn't know
15 that. So he missed that safe right there, he said, but
16 he knew about all of the other safes and stuff. Do you
17 know what I am saying?

18 INVESTIGATOR INFINGER: Okay.

19 THE WITNESS: Yeah. He got gold coins.
20 He say they worth a lot of money, too.

21 INVESTIGATOR WRIGHT: How did he find out
22 about that case -- that safe that he missed?

23 THE WITNESS: The safe he missed?

24 INVESTIGATOR WRIGHT: Yeah.

25 THE WITNESS: I guess he found out through

1 y'all or something. I don't know. He found out.

2 INVESTIGATOR WRIGHT: Okay.

3 THE WITNESS: He found out. But he --

4 INVESTIGATOR WRIGHT: Just a -- this is
5 going to be a stupid question, but you haven't seen any
6 paperwork or he doesn't have his case file or anything
7 like sitting in his cell? You haven't read anything?

8 THE WITNESS: No. I haven't read
9 nothing.

10 INVESTIGATOR WRIGHT: This is all him
11 telling you stuff?

12 THE WITNESS: Yeah. All this he telling
13 me. He ain't going to let you read his stuff -- do you
14 know what I am saying -- off of -- really.

15 He guard his stuff like a dog. Do you
16 know what I am saying? He guard his stuff like a dog.

17 INVESTIGATOR INFINGER: Has he been
18 talking to anybody else or seeing anybody else or talking
19 to anyone on the phone?

20 THE WITNESS: No. He ain't never talked
21 on the phone. He say he never used the phone before.
22 See, he think -- he think that I am with the Wiccan
23 stuff -- see what I am saying?

24 INVESTIGATOR INFINGER: Right. Right.

25 THE WITNESS: So that's basically what he

1 think. Yeah. So that's why he opened to me.

2 INVESTIGATOR INFINGER: Let me ask you
3 this: How often does he talk to you about this? Or was
4 it just one time that he talked to you about it?

5 THE WITNESS: I mean, he talked to me
6 every -- he love for me to come in his room and talk
7 about this. That's what he wants to talk about. He got
8 all his money. He is fixing to get out. He is fixing to
9 get. He is going to sue the police -- the Sheriff -- for
10 telling he was practicing witchcraft on TV.

11 He talk about you all day. He want to
12 kill you -- do you know what I am saying -- when he get a
13 chance. He don't like you. He said that you told him
14 something you -- you cut his dog's throat or something --

15 INVESTIGATOR INFINGER: Uh-huh.

16 THE WITNESS: So he is really pissed off
17 about that when you told him that.

18 MR. ROBERTS: Is that true -- wow -- can't
19 make this up.

20 THE WITNESS: I am not making this up.

21 MR. ROBERTS: I am sitting there just
22 like --

23 THE WITNESS: This is what he said -- his
24 mother. This is no lie. I don't play no games. I am 42
25 years old. The man sit there and told me he killed his

1 family for money, man.

2 And I will testify, what you saying, if I
3 got to, he told me he tortured his mother and cut her
4 pinky off to tell where the combination safes are, which
5 she had in her purse.

6 INVESTIGATOR INFINGER: It's pretty sick;
7 isn't it?

8 THE WITNESS: Yeah. He laughed about it.
9 He said, "Ha-ha. That's what they get for," -- where is
10 that paper -- here's the words right here.

11 I ain't going to make this up. His
12 words -- he said, "He don't never forget. He get even."

13 That's his words right here. That's what
14 he told me.

15 INVESTIGATOR INFINGER: Uh-huh.

16 THE WITNESS: Yeah. Yeah. That's his
17 words.

18 INVESTIGATOR WRIGHT: Did he ever say
19 anything what happened with a prayer room or anything in
20 his house?

21 THE WITNESS: Yeah. He say he got -- he
22 got his own -- he got his own prayer room. He got his
23 own thing he do. He practice Wiccan by hisself --
24 witchcraft and stuff in his room.

25 INVESTIGATOR WRIGHT: Did he say anything

1 about taking that prayer room down or getting rid of it
2 or --

3 THE WITNESS: No. He didn't say that.

4 INVESTIGATOR WRIGHT: Okay.

5 THE WITNESS: He say he had one, though,
6 in his room. He said nobody knew that he practiced
7 witchcraft. He said he had been doing it for little --
8 like four or five years, he told me.

9 INVESTIGATOR INFINGER: Okay.

10 THE WITNESS: That he had been practicing.

11 INVESTIGATOR INFINGER: And just to
12 clarify for the record this note that you gave me about
13 these books, Donald Hartung wrote that?

14 THE WITNESS: He wrote that right there.
15 That's his.

16 INVESTIGATOR INFINGER: That's his
17 handwriting?

18 THE WITNESS: That's his handwriting.

19 INVESTIGATOR INFINGER: All right.

20 THE WITNESS: That's definitely his
21 handwriting.

22 Let me try to see what else he told me.
23 He told me about the car.

24 INVESTIGATOR INFINGER: Which car?

25 THE WITNESS: His car. He got a white

1 Lincoln, he said. He had been having it like a long
2 time, like 20-something-years or whatever.

3 He said the reason they didn't find no
4 blood because you can't never find no blood because
5 everything is in the bag. Say that's why they didn't
6 never find no blood.

7 He is smart. He ain't no fool now. He
8 act like -- he told me he got a silencer.

9 I say, "You shot your brother. Why didn't
10 they hear the gun shot?"

11 He say, "Shit, I had a silencer." That's
12 what he had -- a silencer.

13 INVESTIGATOR INFINGER: Did he say where
14 he was hiding when he shot his brother?

15 THE WITNESS: Yeah. He say he was in the
16 back room when his brother came in.

17 INVESTIGATOR INFINGER: The back room?

18 THE WITNESS: Yeah.

19 INVESTIGATOR INFINGER: Is that all he
20 said?

21 THE WITNESS: Back room by Ortiz -- he say
22 by his room because he know he was going to come back
23 there. He came back there and shot him. He say his
24 brother tried to put up a struggle up, though.

25 INVESTIGATOR INFINGER: Okay.

1 THE WITNESS: So he started stabbing his
2 brother every way and stuff. Yeah. He said he put up a
3 struggle. You know, he said Ortiz is 6'6",
4 300-something-pounds. He is a big boy, he said. That's
5 why he had the gun for him.

6 INVESTIGATOR INFINGER: Okay.

7 INVESTIGATOR WRIGHT: So he said he had
8 help getting rid off, you know, this other priest took
9 the money and got everything?

10 THE WITNESS: Yeah.

11 INVESTIGATOR WRIGHT: Was there -- there
12 may be a very obvious question, but was there anybody
13 else in the house with him when this happened?

14 THE WITNESS: He say he sitting there by
15 hisself.

16 INVESTIGATOR WRIGHT: So he is the only
17 one in the house?

18 THE WITNESS: He is the only one in the
19 house is what he said. The only thing he told me. Do
20 you know what I am saying? I don't know.

21 Yeah. I don't know. But I know he told
22 me this -- he left his mother's back gate open, though --
23 do you know what I am saying? He told me that. Do you
24 know what I am saying?

25 INVESTIGATOR WRIGHT: Okay.

1 THE WITNESS: Do you know what I am
2 saying?

3 INVESTIGATOR WRIGHT: Did he say why he
4 would leave the back gate open?

5 THE WITNESS: He didn't tell me that.

6 INVESTIGATOR WRIGHT: Okay.

7 THE WITNESS: That's what I talk about --
8 that's when I start getting to him about the coven and
9 stuff. He is, like, he was talking about it, but he
10 really didn't want to give me the full details about
11 that.

12 INVESTIGATOR INFINGER: And the, what,
13 now?

14 THE WITNESS: The coven. You have got the
15 coven up on Nine Mile Road.

16 INVESTIGATOR INFINGER: Oh, the covenant
17 (sic).

18 THE WITNESS: Yeah. Yeah.

19 INVESTIGATOR INFINGER: Got you. Got you.

20 THE WITNESS: Yeah. So I don't know if he
21 -- do you know what I am saying? I don't know if he said
22 he did it by himself. Me personally, I think he had
23 help. Do you know what I am saying?

24 INVESTIGATOR WRIGHT: You think he had
25 help? In what regard?

1 THE WITNESS: Well, he had -- a lot of
2 people might had helped doing it all. It could have been
3 somebody else in the house. I don't know.

4 He say he is the only one. He be there by
5 hisself. That's what he told me.

6 INVESTIGATOR INFINGER: Okay.

7 INVESTIGATOR WRIGHT: Did he say anything
8 about his brothers' vehicle or his mother's vehicle?
9 Either one? Any of their vehicles?

10 THE WITNESS: No. He didn't say.

11 INVESTIGATOR WRIGHT: Okay.

12 THE WITNESS: He didn't say about their
13 vehicle. Do you know what I am saying? He told me he
14 did it on a Tuesday. They found their bodies on a
15 Friday, they said.

16 INVESTIGATOR WRIGHT: Is there a specific
17 reason he did it on a Tuesday? Why does that date stick
18 out in his mind?

19 THE WITNESS: Because he say he was off of
20 work that day.

21 INVESTIGATOR WRIGHT: Okay.

22 THE WITNESS: Do you know what I am
23 saying? He is off Mondays and Tuesdays. Do you know
24 what I am saying? But he always comes over Tuesdays to
25 cook food for them.

1 INVESTIGATOR WRIGHT: I got you.

2 THE WITNESS: He told me that. He always
3 come over there and cook food for them and stuff.

4 INVESTIGATOR INFINGER: Okay.

5 THE WITNESS: But he say he did it by
6 hisself, you know. He say --

7 MR. ROBERTS: What are you two gentlemen
8 thinking? Because I am sitting here, just strapped back
9 to my seat. I don't, obviously, know much, if anything,
10 about this case apart from what I have seen on the news
11 and the --

12 INVESTIGATOR INFINGER: From a defense
13 attorney standpoint, is there any questions you think we
14 ought to ask him about what he has told us?

15 MR. ROBERTS: No. My major concern -- and
16 I have this concern right now, because, as I said, I
17 don't know much about the case -- is just the veracity of
18 what he is saying.

19 This is either this wow, mind-blowing,
20 because this guy would not know these things he is saying
21 because they make sense and he must have spoken to -- or
22 he has the greatest imagination ever -- one of the two.

23 I don't -- you know, but, obviously, we
24 didn't get into why he is here, so I am fine there. But
25 my whole thing is -- I don't want him to get in a

1 position where he is facing perjury charges because he
2 decides to sit on the stand.

3 If it comes to that and he is
4 testifying --

5 INVESTIGATOR INFINGER: No. I don't think
6 he has anything to worry about.

7 INVESTIGATOR WRIGHT: No. He has nothing
8 to worry about at that point. And, at this point, you
9 know, he is not sworn at this point.

10 INVESTIGATOR INFINGER: I think he is
11 being truthful with us.

12 INVESTIGATOR WRIGHT: Yeah.

13 MR. ROBERTS: Yeah.

14 INVESTIGATOR WRIGHT: Based on what you
15 guys heard --

16 INVESTIGATOR WRIGHT: I can assure you,
17 based on what we heard at this point, I'm not -- well, I
18 can't do any perjury charges right now.

19 MR. ROBERTS: Yeah. Yeah. I know.

20 INVESTIGATOR WRIGHT: He is not under
21 subpoena.

22 MR. ROBERTS: I know.

23 INVESTIGATOR WRIGHT: But I probably will.

24 INVESTIGATOR INFINGER: We will ask for
25 sworn testimony.

1 MR. ROBERTS: If the case goes to trial,
2 that is --

3 INVESTIGATOR WRIGHT: That being said,
4 since we are on the topic, I would like to put him under
5 oath just for a legal --

6 MR. ROBERTS: Yeah.

7 THE WITNESS: Everything I am telling you
8 is nothing but the truth, nothing but the truth.

9 INVESTIGATOR WRIGHT: And I have no reason
10 to doubt it.

11 INVESTIGATOR INFINGER: Raise your right
12 hand.

13 THE WITNESS: Look, everything I am
14 telling you, I am looking in the eyes of the man, nothing
15 but the truth, nothing but the truth.

16 INVESTIGATOR INFINGER: So you swear or
17 affirm --

18 THE WITNESS: I swear under oath.

19 MR. ROBERTS: Hold on. Hold on. Let him
20 ask the question.

21 INVESTIGATOR INFINGER: Do you swear and
22 affirm the statement you made here today is the truth and
23 nothing but the truth?

24 THE WITNESS: Nothing but the truth right
25 here.

1 INVESTIGATOR INFINGER: Okay.

2 THE WITNESS: He told me everything.

3 INVESTIGATOR WRIGHT: All right. We are
4 going to conclude the recording at 11:27 a.m.

5
6 WHEREUPON, THE RECORDED INTERVIEW CONCLUDED.

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

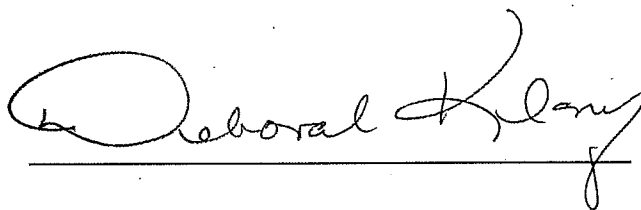
1 CERTIFICATE OF REPORTER

2
3 STATE OF FLORIDA

4 COUNTY OF ESCAMBIA

5
6 I, DEBORAH G. KHARUF, Court Reporter and
7 Notary Public, State of Florida at Large, hereby certify
8 that I was authorized to and did stenographically report
9 the foregoing deposition and that the transcript is a
10 true record of the testimony given by the witness. I
11 further certify that I am not a relative, employee,
12 attorney or counsel of any of the parties, nor am I a
13 relative or employee of any attorney or counsel connected
14 with the action; nor am I financially interested in this
15 proceeding or its outcome.

16 Dated this 5th day of June, 2016.

17
18 
19
20

21 DEBORAH G. KHARUF

22 Court Reporter and Notary Public,
23 State of Florida at Large.

24 Commission number FF 221569

25 My commission expires July 6, 2019.

IN THE CIRCUIT COURT OF THE FIRST JUDICIAL CIRCUIT
IN AND FOR ESCAMBIA COUNTY, FLORIDA

STATE OF FLORIDA,

Plaintiff,

-vs-

CASE NO.: 2015 CF 004806A

DONALD WAYNE HARTUNG,

Defendant.

2ND RECORDED INTERVIEW OF MARLIN PURIFOY

TIME: 3:50 p.m.

DATE: June 17th, 2016

PLACE: Escambia County Jail, L Street location,
Pensacola, Florida.

Transcribed from audio file by Deborah G. Kharuf,
Court Reporter and Notary Public,
State of Florida at Large.

ANCHOR COURT REPORTING

AnchorReporters@aol.com

PENSACOLA, FLORIDA

MILTON, FLORIDA

(850) 432-2511

(850) 983-2409

(850) 432-2302

(850) 983-2411

RECEIVED

1-800-563-6409

AUG 30 2016

SAO 1ST CIRCUIT

STATE'S
EXHIBIT

2

A P P E A R A N C E S

REPRESENTING THE STATE:

BRIDGETT JENSEN, ESQUIRE
(NOT PRESENT)
ASSISTANT STATE ATTORNEY
190 GOVERNMENTAL CENTER
PENSACOLA, FLORIDA 32502

REPRESENTING THE DEFENDANT:

MICHAEL GRIFFITH, ESQUIRE
(NOT PRESENT)
ATTORNEY AT LAW
304 EAST GOVERNMENT STREET
PENSACOLA, FLORIDA 32502

REPRESENTING THE WITNESS:

FRANCIS "MO" ROBERTS, ESQUIRE
ASSISTANT PUBLIC DEFENDER
190 GOVERNMENTAL CENTER
PENSACOLA, FLORIDA 32502

ALSO PRESENT:

INVESTIGATOR WAYNE WRIGHT
FDLE SPECIAL AGENT MATT INFINGER

DEBORAH G. KHARUF, COURT REPORTER
(NOT PRESENT)
ANCHOR COURT REPORTING
POST OFFICE BOX 12444
PENSACOLA, FLORIDA 32591-2444
(850) 432-2511
1-800-563-6409
AnchorReporters@aol.com

1 P-R-O-C-E-E-D-I-N-G-S

2 INVESTIGATOR WRIGHT: This is Investigator
3 Wright. This is June 17th, 2016, at approximately 3:50
4 p.m. at Escambia County Jail with Mr. Marlin Purifoy.

5 Present is his attorney, Francis "Mo"
6 Roberts, and FDLE Special Agent Matt Enfinger and myself.

7 Mr. Purifoy, if you would raise your right
8 hand for me?

9 WHEREUPON,

10 MARLIN PURIFOY,
11 was called as a witness and, after having been
12 first duly sworn by Investigator Wright, was deposed and
13 testified as follows:

14 MR. PURIFOY: Yes.

15 INVESTIGATOR WRIGHT: Fantastic. Matt, go
16 for it.

17 INVESTIGATOR INFINGER: Marlin, state your
18 date of birth?

19 MR. PURIFOY: 5-6-74.

20 INVESTIGATOR INFINGER: Okay. We were
21 talking before this recorder was on --

22 MR. PURIFOY: Uh-huh.

23 INVESTIGATOR INFINGER: -- about some new
24 things that Donald Hartung has talked to you about
25 before. You were just moved yesterday.

1 What -- tell me about what we were talking
2 about before this recorder was on in reference to the
3 neighbor of Donald Hartung's mother?

4 MR. PURIFOY: The neighbor? Well, he said
5 he used to go outside and smoke cigarettes all the time.
6 But he was telling me the neighbor didn't see him go that
7 many times that day, you know, during the killing. Do
8 you know what I saying?

9 Because he said he didn't go out because
10 he didn't want him to know what he was doing. He smoked
11 the cigarettes inside and threw them in the garbage
12 can -- butts and stuff. Do you know what I am saying?

13 That's the reason he got DNA -- the only
14 DNA they got to tell it was him. That's what he say.

15 INVESTIGATOR INFINGER: Okay. Did he say
16 what trash can? Or what all he threw in this trash can?
17 Did he tell you anything he threw -- might have thrown in
18 there? Or was it just cigarette butts?

19 MR. PURIFOY: No. It was like DVD
20 cameras, all type of stuff, like purses and stuff. Do
21 you know what I am saying? He got from his mother's
22 room -- stuff like trash. She's got stuff like that.

23 INVESTIGATOR INFINGER: Okay. So he put
24 other stuff in this trash can just besides the cigarette
25 butts?

1 MR. PURIFOY: Yeah. That's what I am
2 saying.

3 INVESTIGATOR INFINGER: All right. And
4 before we were on record, you were talking about the
5 neighbor and something to do with the times that he left
6 or something to do with that? Can you explain that
7 again?

8 MR. PURIFOY: He tried to say that the
9 neighbor say he left at 7:00-something. He left close to
10 dark -- but he is trying to say he left at 5:00 o'clock.
11 He was telling y'all that.

12 But for real, for real, he left like
13 after. He killed his brother by 7:30, 7:35, something
14 like that.

15 INVESTIGATOR INFINGER: Okay.

16 MR. PURIFOY: Yeah.

17 INVESTIGATOR INFINGER: So he said he told
18 me he left around 5:30?

19 MR. PURIFOY: Yeah.

20 INVESTIGATOR INFINGER: But he is saying
21 he really left around 7:30 like the neighbor is saying?

22 MR. PURIFOY: Yeah. The neighbor is
23 saying. Yeah.

24 INVESTIGATOR INFINGER: Okay. All right.
25 What else?

1 MR. PURIFOY: Oh, the footprints.

2 INVESTIGATOR INFINGER: Yeah. Tell us
3 about those.

4 MR. PURIFOY: Yeah. The foot prints, he
5 said he did that hisself and make it seem like someone
6 else broke in the house. Do you know what I am saying?
7 It was like a robbery. Do you know what I am saying? So
8 to throw you off his trail. That's why he said he did
9 it.

10 INVESTIGATOR INFINGER: Okay.

11 MR. PURIFOY: He said he has been planning
12 this for the last four years since 2012.

13 INVESTIGATOR INFINGER: And what was the
14 significance of 2012? Why did he start planning it then?

15 MR. PURIFOY: Well, because his mother
16 told him about the will -- that he was in the will. His
17 son wasn't in the will. He got real hot and he was mad.
18 He was already mad about his mother, because his child
19 got molested when he was three years old.

20 INVESTIGATOR INFINGER: Okay.

21 MR. PURIFOY: So he has already had anger
22 building because they treated him different. Do you know
23 what I am saying?

24 And he said he -- the Ouija Board -- some
25 shit called the Ouija Board really gave him the go-ahead

1 to do it.

2 INVESTIGATOR WRIGHT: So his motive was
3 financial, but the Ouija Board is what kind of convinced
4 him to do it?

5 MR. PURIFOY: Right. Convinced him to do
6 the job. Do you know what I am saying?

7 INVESTIGATOR WRIGHT: I got you.

8 MR. PURIFOY: But his motive was the money
9 for real. That was the whole motive was the money.

10 INVESTIGATOR INFINGER: Did he ever tell
11 you how much money he thought he was going to get?

12 MR. PURIFOY: Well, out of the will?

13 INVESTIGATOR INFINGER: Out of the will or
14 the whole thing. Did he ever give you any figure?

15 MR. PURIFOY: He say -- he say he took
16 like 500 --- almost \$500,000 and a bunch of jewelry out
17 of that safe -- out of the safe.

18 INVESTIGATOR INFINGER: Okay.

19 MR. PURIFOY: It is a big safe. That's
20 where he got most of everything from -- which is in his
21 mother's room up under the rug, according to him. It is
22 built inside, though. That's the combination he really
23 got.

24 The other combinations, he went in there
25 and got everything -- they had gold coins. They had

1 jewelry. She had jewelry. She had close to, like,
2 \$400,000 or \$500,000 in the safe.

3 INVESTIGATOR INFINGER: Okay. You said --
4 go over how he got the combination to the safe and the
5 other safes again -- what you are telling us earlier.

6 MR. PURIFOY: Well, he had his mother,
7 held her in the chair, right, tortured her -- like cut
8 her hand. He said he cut her with a knife, though.

9 INVESTIGATOR INFINGER: Cut her hand or --

10 MR. PURIFOY: Her pinky. Her left pinky.

11 INVESTIGATOR INFINGER: Okay.

12 MR. PURIFOY: He tortured her and she
13 finally told him what the combination to the safe was.
14 Do you know what I am saying?

15 And he like -- he was saying, "What is the
16 fucking combination to the safe?" And she finally done
17 told him everything.

18 INVESTIGATOR INFINGER: And where were the
19 combinations? Where was --

20 MR. PURIFOY: In an old purse in her room.

21 INVESTIGATOR INFINGER: Okay.

22 MR. PURIFOY: Yeah. An old purse.

23 INVESTIGATOR INFINGER: So all the
24 combinations to the safe were in there?

25 MR. PURIFOY: All of them was in there.

1 Every last one of them.

2 INVESTIGATOR INFINGER: Okay. Did he
3 describe that purse at all?

4 MR. PURIFOY: No. He didn't describe the
5 purse.

6 INVESTIGATOR INFINGER: Okay.

7 MR. PURIFOY: It was an old purse, he
8 said.

9 INVESTIGATOR INFINGER: All right.

10 MR. PURIFOY: Yeah.

11 INVESTIGATOR INFINGER: Is there anything
12 that we haven't discussed on this recording that we
13 discussed before?

14 MR. PURIFOY: Let me see, he told me most
15 of it. He said that there is a girl who stay next door
16 to him, across the street from him, say he always talking
17 to her about it.

18 I think she has something to do with it,
19 like, as far as helping him out. I am not for sure, but
20 he always talk about her all the time.

21 INVESTIGATOR INFINGER: His neighbor next
22 door?

23 MR. PURIFOY: Yeah. She is about my age.

24 INVESTIGATOR INFINGER: Okay.

25 MR. PURIFOY: She go to that church --

1 that church I was telling you about.

2 INVESTIGATOR INFINGER: Okay.

3 INVESTIGATOR WRIGHT: Speaking of the
4 church, you said you had some more information on who the
5 priest is that helped him out?

6 MR. PURIFOY: Yeah. He is the high
7 priest. I had his name on there, too.

8 INVESTIGATOR INFINGER: Okay.

9 MR. PURIFOY: I forgot his name. I had
10 all this stuff wrote down.

11 INVESTIGATOR WRIGHT: Before we turned the
12 recorder on, you said he rides a motorcycle.

13 MR. PURIFOY: Yeah. He rides a Harley
14 Davidson.

15 INVESTIGATOR WRIGHT: He rides a Harley
16 Davidson?

17 MR. PURIFOY: Yeah. He told me when I get
18 out -- to look for a Harley Davidson. That's what he
19 told me.

20 INVESTIGATOR INFINGER: Why did he bring
21 up for you to look for the Harley Davidson?

22 MR. PURIFOY: Because I told him I was
23 interested in Wicca when I get out of prison. I would
24 look him up. That's how we get to that right there. Do
25 you know what I am saying?

1 INVESTIGATOR INFINGER: And he said this
2 guy lives in Molino?

3 MR. PURIFOY: No. One of his best friends
4 stays in Molino.

5 INVESTIGATOR INFINGER: Oh, okay.

6 MR. PURIFOY: I was telling y'all to check
7 him out. I think it is Dave-something.

8 INVESTIGATOR INFINGER: Okay. That's all
9 right.

10 MR. PURIFOY: Yeah. He always talk about
11 him, too, though.

12 INVESTIGATOR INFINGER: Okay.

13 INVESTIGATOR WRIGHT: You said that when
14 he was doing this, he told you he was wearing a mask?

15 MR. PURIFOY: Yeah. With a mask.

16 INVESTIGATOR WRIGHT: Why would he wear a
17 mask?

18 MR. PURIFOY: Because I guess -- I guess
19 he didn't want his mother to see him doing all of this
20 shit to her.

21 He didn't really say -- he told me he wore
22 the mask really because the pistol he shot his brother
23 with -- but he had the mask on while he was doing it to
24 his mother, too.

25 INVESTIGATOR WRIGHT: Okay. What else was

1 he wearing?

2 MR. PURIFOY: He was wearing long sleeves.

3 INVESTIGATOR WRIGHT: Okay.

4 MR. PURIFOY: And pants.

5 INVESTIGATOR INFINGER: And why was he
6 wearing all of that stuff?

7 MR. PURIFOY: So it wasn't -- nothing
8 wouldn't get on him like blood and stuff like that. He
9 changed back in -- I think he wore -- I think he said he
10 wore shorts on that day. I ain't for sure. Do you know
11 what I am saying? I think he said he had shorts that
12 day.

13 INVESTIGATOR WRIGHT: Was he wearing
14 gloves?

15 MR. PURIFOY: No. Well, he had the
16 gloves. He came in with the gloves on inside the pants,
17 so -- but he already had the clothes in there that he was
18 going to change in and stuff.

19 MR. PURIFOY: I got you.

20 MR. PURIFOY: Yéah.

21 INVESTIGATOR INFINGER: All right.

22 INVESTIGATOR WRIGHT: I think that covers
23 it.

24 MR. PURIFOY: Oh, yeah. One more thing --
25 he said he did it all -- when he finally get out, he said

1 he is going to catch you.

2 INVESTIGATOR INFINGER: Get me?

3 MR. PURIFOY: Yeah. He said -- he talk
4 about you all day. He like -- he used to talk about you
5 all day long, man.

6 He said you came to his house at 1:00
7 o'clock that -- after his mother got killed and tried to
8 bust his door down or something -- not try to bust the
9 door -- you came to try to catch him when he was doing a
10 ritual.

11 You took him over there. He said you had
12 him on camera, talking about, "How would you like me to
13 cut your dog's throat?" Or something like that. Right?
14 He said he looked at you.

15 He said, "Mr. Infinger, you ain't going to
16 make me get mad and try to do nothing to a police."
17 Yeah. That's what he told me.

18 INVESTIGATOR INFINGER: Okay. All right.
19 Is there anything else that we haven't covered that you
20 think I need to know?

21 MR. PURIFOY: I told you about the
22 fingerprint.

23 INVESTIGATOR INFINGER: All right.

24 MR. PURIFOY: Oh, he is trying -- he is
25 trying -- he is trying to cover -- he is telling another

1 alibi.

2 He is trying to say that his brother --
3 not Ortiz -- the other John is messing with somebody at
4 Wal-Mart, and they might have killed his mother and
5 everything.

6 He is going to tell his lawyer that. And
7 Donald said that Ortiz had a girlfriend that nobody know
8 about. And her husband had that done, too.

9 MR. ROBERTS: So that girl was married?

10 MR. PURIFOY: Yeah.

11 MR. ROBERTS: Ortiz's girlfriend was
12 married and that could have given the husband a motive,
13 too?

14 MR. PURIFOY: Right. That's what he said.
15 It could have happened, too. He was telling me that --
16 that he was going to tell his lawyer to bring it up at
17 trial.

18 INVESTIGATOR INFINGER: Okay. That's
19 going to be his defense.

20 MR. PURIFOY: Yeah. That's going to be
21 one of his defenses right there.

22 INVESTIGATOR INFINGER: Okay.

23 MR. PURIFOY: Plus (inaudible) his mother
24 -- (inaudible) could have did it.

25 INVESTIGATOR INFINGER: All right.

1 MR. PURIFOY: But I'm telling y'all, man.
2 He told me all day long he did it.

3 INVESTIGATOR INFINGER: All right.

4 INVESTIGATOR WRIGHT: Mr. Roberts, do you
5 have any questions?

6 MR. ROBERTS: No, not right now.

7 INVESTIGATOR WRIGHT: All right. I will
8 end this recording at 4:00 p.m.

9
10 WHEREUPON, THE 2ND RECORDED STATEMENT OF
11 MARLIN PURIFOY CONCLUDED.

12

13

14

15

16

17

18

19

20

21

22

23

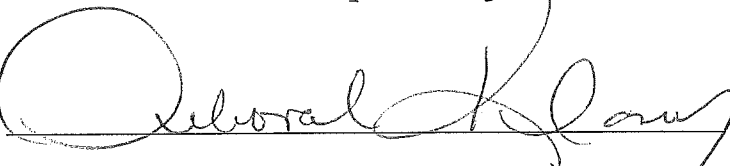
24

25

1 CERTIFICATE OF REPORTER

2
3 STATE OF FLORIDA4
5 COUNTY OF ESCAMBIA6
7 I, DEBORAH G. KHARUF, Court Reporter and
8 Notary Public, State of Florida at Large, hereby certify
9 that I was authorized to and did stenographically
10 transcribe from audio file the foregoing recorded
11 statement and that the transcript is a true record of the
12 testimony given by the witness.13 I further certify that I am not a
14 relative, employee, attorney or counsel of any of the
15 parties, nor am I a relative or employee of any attorney
16 or counsel connected with the action; nor am I
17 financially interested in this proceeding or its outcome.

18 Dated this 26th day of August, 2016.

19
20 

21 DEBORAH G. KHARUF

22 Court Reporter and Notary Public,
23 State of Florida at Large.

24 Commission number FF 221569

25 My commission expires July 6, 2019.