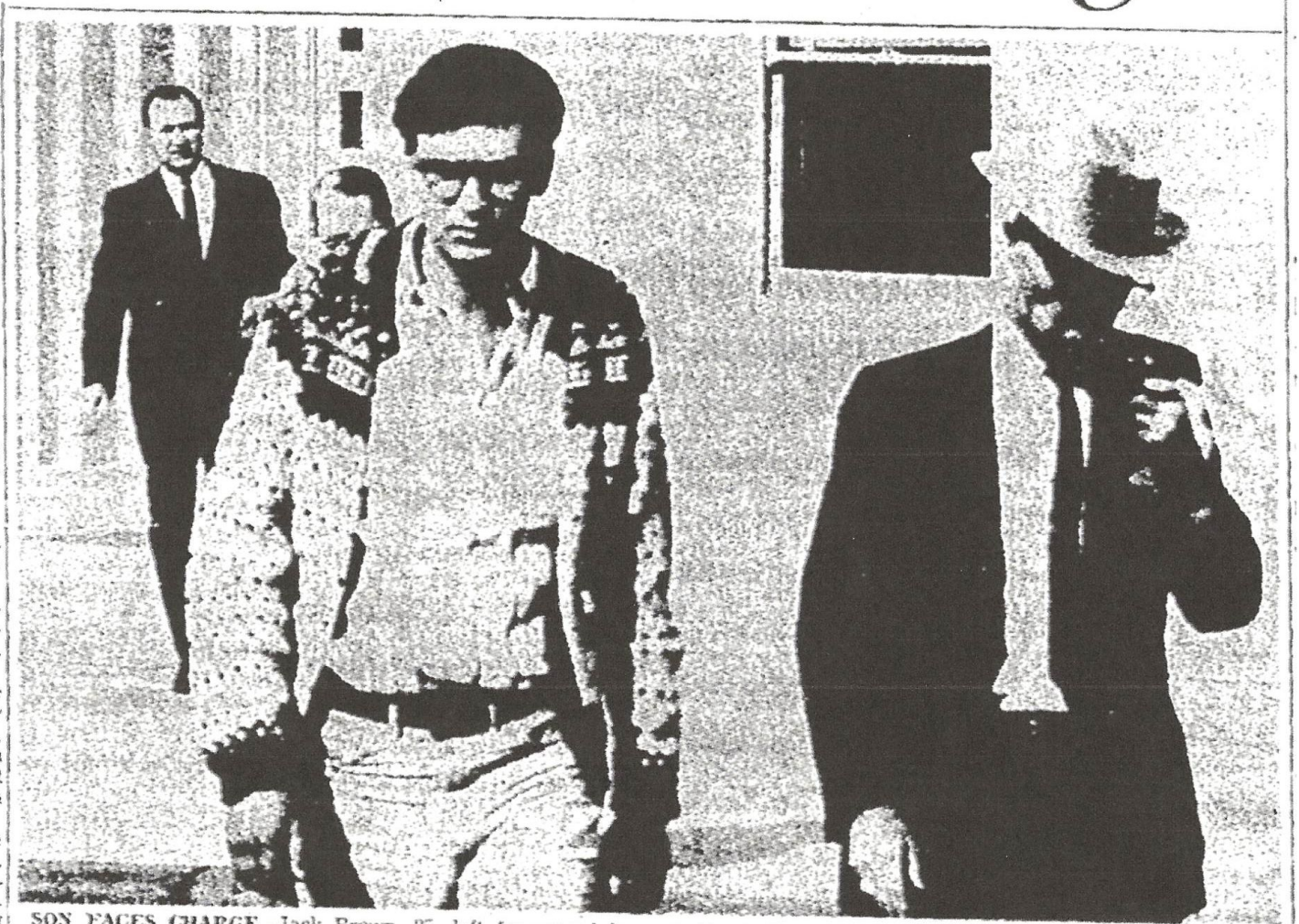


LOCAL

CAPROCK CHRONICLES THE SHALLOWATER MURDER CASE | PART 1



SON FACES CHARGE—Jack Brown, 25, left foreground in sweater, leaves the Lubbock County Courthouse Tuesday afternoon on his way to arraignment on a charge of murder in the death of his parents of near Shallowater. At right is

Lubbock County chief deputy George Eubank. Behind Brown is attorney George Gilkerson and partially hidden Dist. Atty. Alton Griffin. The son is being held without bond. (Staff Photo by Phil Hamilton)

This photo ran in the Lubbock Avalanche-Journal the day after Jack Brown's parents were murdered.

AVALANCHE-JOURNAL ARCHIVES PHOTOS

Did Jack Brown kill his parents?

Did Jack Brown kill his parents?



Caprock Chronicles

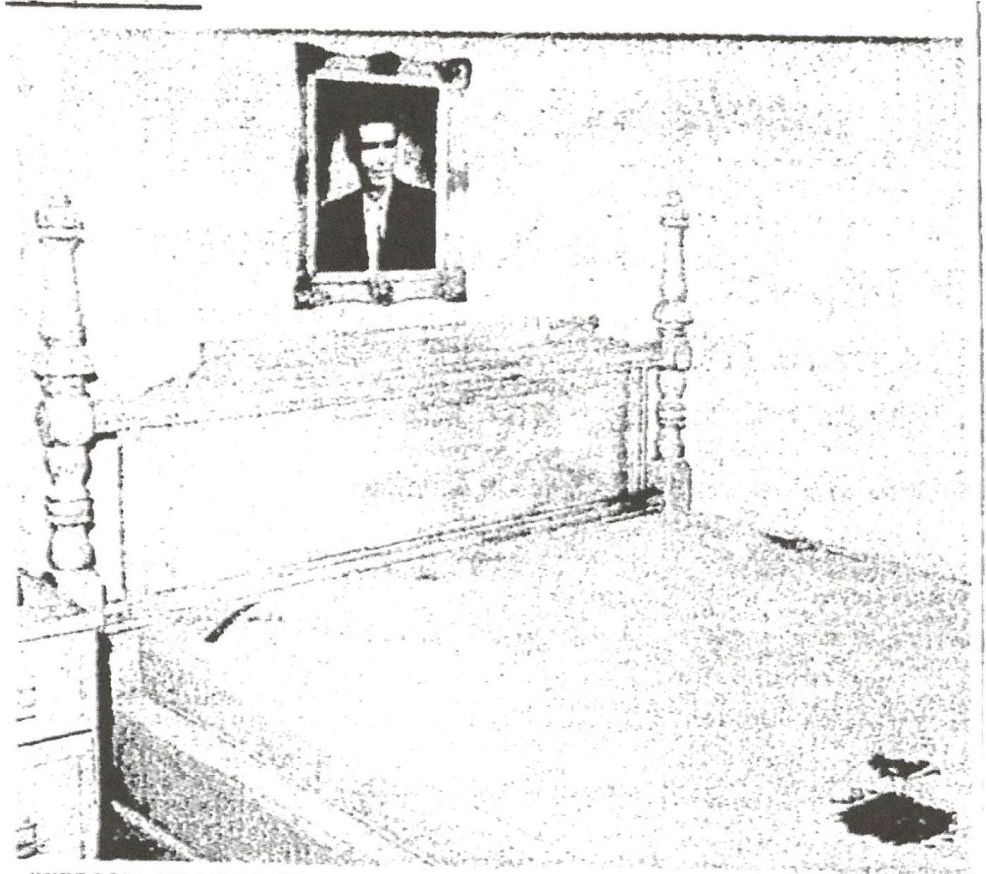
Chuck Lanehart
Guest columnist

Editor's Note: Jack Becker is the editor of Caprock Chronicles and a retired librarian at Texas Tech University. He can be reached at jack.becker@ttu.edu. Today's article is the first of a two-part series about a controversial 1967 Lubbock County murder conviction by frequent contributor Chuck Lanehart, Lubbock attorney and award-winning Western history writer.

Everyone assumed Dolphus Jack Brown murdered his parents at their Shallowater farmhouse in the spring of 1967. Jack certainly had the opportunity, and perhaps a motive, but the evidence against him was circumstantial. Forensic evidence of the era was unimpressive, and no DNA science or video surveillance existed that might have clearly exonerated or condemned Jack. The high-profile case pitted giants of the Lubbock bar against each other.

D.J. "Buzz" Brown was a prominent insurance agent and farmer west of Lubbock. He and his wife Birdie lived near Shallowater with their only child Jack, age 25. The Browns were admired in their community and were considered wealthy. Jack was good-looking and popular, salutatorian and male favorite of his 1960 graduating class at Shallowater High School. After graduation, he served in the military, and later enrolled at Texas Tech.

In the early morning hours of April 18, 1967, Jack summoned sheriff's deputies to the family home. He said he found the bloody bodies of Buzz and Birdie inside the home after he returned from a poker game about 3 am. Jack's parents were



BEDROOM AT HOME—The scene above was identified by officers Tuesday as the bedroom where Mrs. D. J. Brown and her husband were found slain in her home near Shallowater. The photo above the bed was identified as that of Jack Brown, 25, son of the Browns who officers charged Tuesday afternoon in connection with the slayings. (Staff Photo)

Scene of the crime. This photo and caption were published April 9, 1967, on page 6 of the Lubbock Avalanche-Journal.

found in their nightclothes in their bedroom. Both had been beaten on their heads with an unknown blunt object, and they died of brain trauma.

The autopsy report estimated the time of death at 2 am, but definitely between midnight and 4 a.m. No murder weapon was identified.

There was no evidence of forced entry, or of an intruder, or of robbery.

Jack's shirt with tiny spots of blood was found in the laundry hamper.

At noon, Jack voluntarily submitted to an interview with Lubbock County District Attorney Alton Griffin and investigators. He appeared without counsel and freely discussed his whereabouts the previous night.

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Brown

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Jack had an alibi. He denied any knowledge of bloodspots on the shirt. When asked if he had changed any other apparel, he slapped his leg and said, "No, these are the same pants I had on all day yesterday."

Jack said he was shackled up at a Lubbock motel with a girl, Anita Roberson, most of the afternoon and evening of April 17. Sometime before 7:30 p.m., he drove home and changed shirts, telling his parents he intended to play poker that night. He played poker with friends at a Lubbock home until about 2 a.m. with the exception of a break of one hour when he returned to the motel for a sandwich with Anita. He checked out of the motel at 3 a.m. and drove home to find his parents dead.

Jack's innocent activities that night — covering the time period the forensic pathologist said his parents died — seemed strange, but multiple witnesses corroborated his whereabouts.

About the same time Jack was being questioned, evidence was discovered in a dumpster in Lubbock's Mackenzie State Park, about 20 minutes from the murder scene. Bloody clothes the Browns were wearing earlier on April 17 were found cut down the back. A wet bloody towel bearing Jack's Army serial number and a pair of bloody trousers were also found in the Dumpster.

There was no eyewitness, no murder weapon, no forensic evidence, and no confession connecting Jack to the murders, but within 12 hours of Jack finding the bodies of his parents, he was charged with "murder with malice," a capital crime. He was jailed without bail. For District Attorney Griffin, known as a fearless bulldog of a prosecutor, the case was a challenge



D.J. Buzz Brown



Birdie Brown

he relished.

Lined up against Griffin were two former Lubbock County DA's, George Gilkerson and Travis Shelton, formidable opponents who would later be inducted into multiple legal halls of fame.

Meanwhile, on May 11, 1967, Gilkerson and Shelton, on Jack's behalf, filed an application to probate the wills of Buzz and Birdie, who left their estate—thought to be substantial — to Jack.

Pretrial matters dragged on for more than a year. Lubbock County District Judge James A. Ellis finally released Jack on \$25,000 bail. The case dominated the news, and the defense argued Jack could not get a fair trial in Lubbock. Judge Ellis agreed and transferred the case to El Paso's 34th District Court on a change of venue.

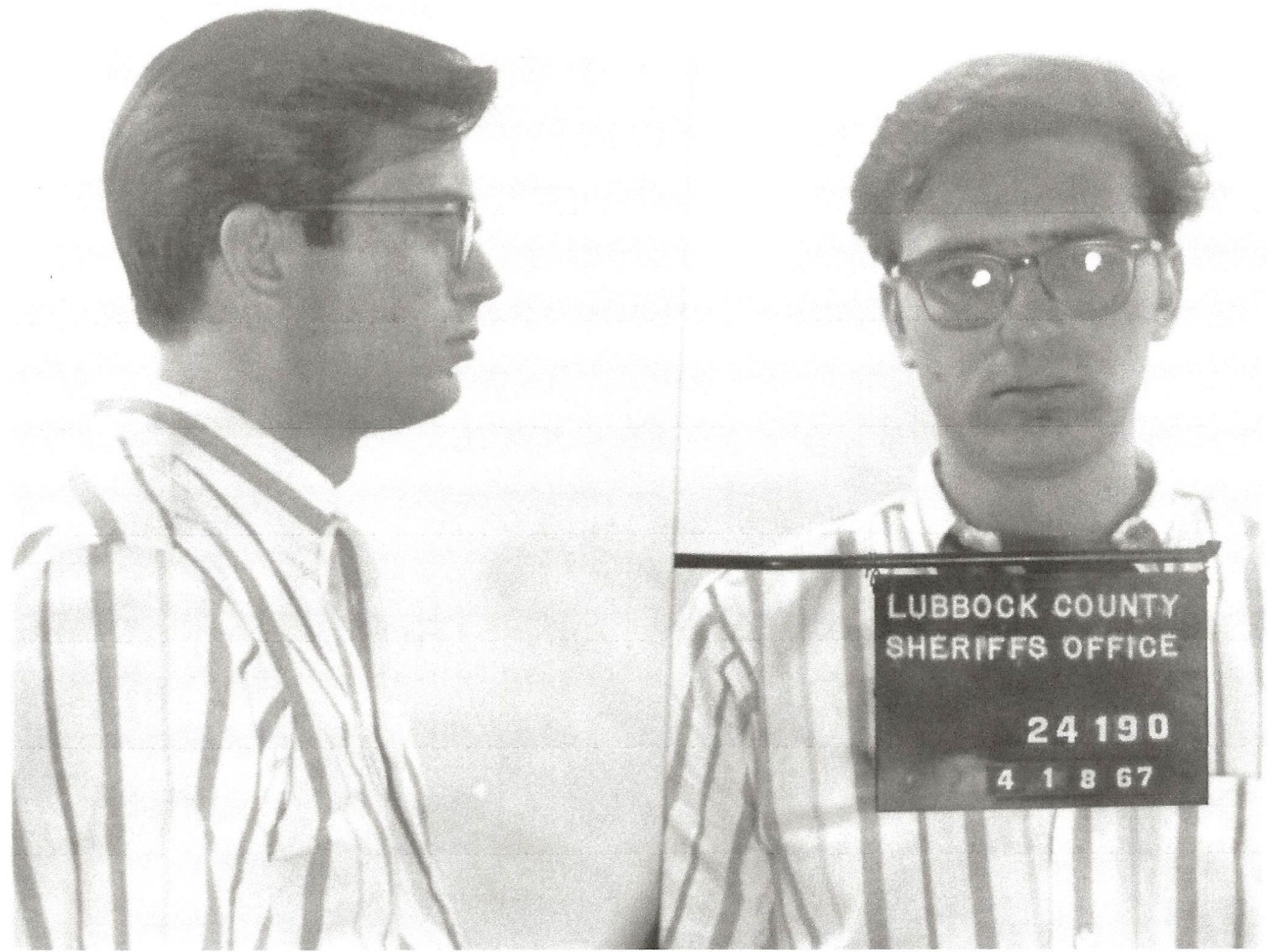
But El Paso was inhospitable to the defense. The new judge, William E. Ward, swiftly turned down every pretrial motion offered by Gilkerson and Shelton.

Jack got lucky when DA Griffin decided not to seek the death penalty. Griffin's decision was influenced by a national de-facto moratorium on the death penalty as litigation challenging insidious capital punishment laws worked its way through the courts in the late 1960s. In 1972, the United States Supreme Court struck down Georgia's capital crime laws, resulting in a restructuring of death penalty statutes nationwide.

Jack, now facing a maximum punishment of life imprisonment rather than the electric chair, appeared for trial in El Paso Oct. 8, 1968.

LOCAL

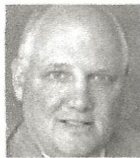
CAPROCK CHRONICLES THE SHALLOWWATER MURDER CASE | PART 2



Mug shots of Dolphus Jack Brown who was accused of murdering his parents. COURTESY OF LUBBOCK COUNTY SHERIFF'S OFFICE

Did Jack Brown kill his parents?

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Chuck Lanehart
Guest columnist

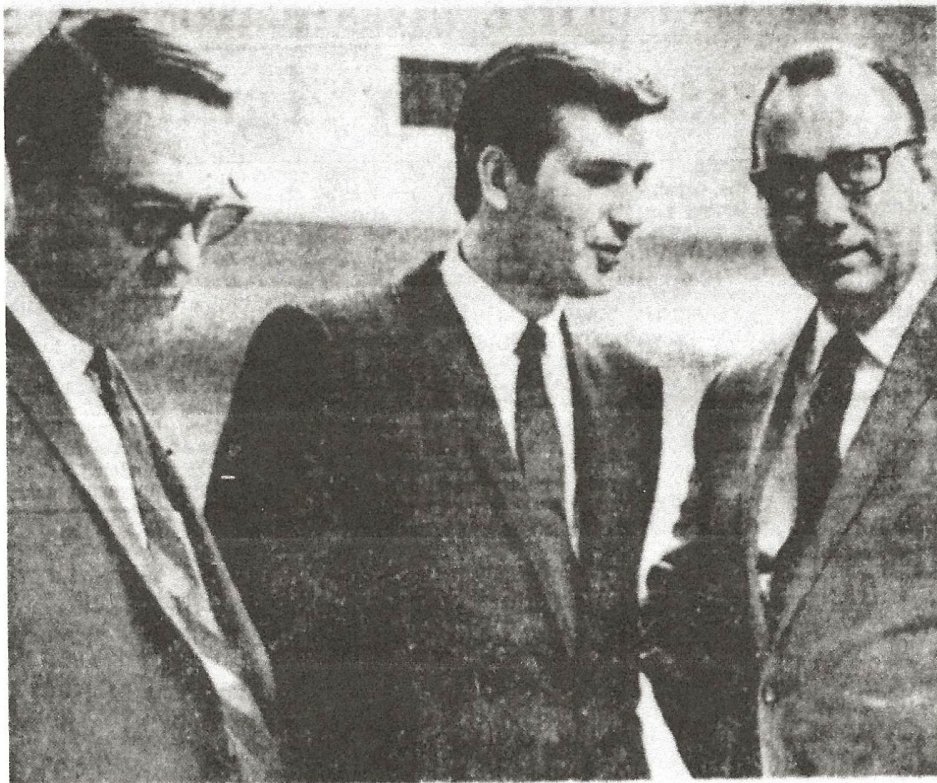
Editor's Note: Jack Becker is the editor of Caprock Chronicles and a retired librarian at Texas Tech University. He can be reached at jack.becker@ttu.edu. Today's article the second of a two-part series about a controversial 1967 Lubbock County murder conviction by frequent contributor Chuck Lanehart, Lubbock attorney and award-winning Western history writer. In Part One, Jack Brown was accused of murdering his parents, Buzz and Birdie Brown, though he had an alibi.

Following a change of venue and jury selection, Jack Brown — accused of murdering his parents — faced an all-male jury in El Paso and pleaded “not guilty.” Jury selection began on Oct. 8, 1968, and Judge William E. Ward sequestered the jury. About 50 witnesses, including 34 for the state, were expected to testify.

The prosecution was spearheaded by 41-year-old Lubbock County District Attorney Alton Griffin, known as a zealous advocate for the people of his county. Jack — tall, slim, handsome and bespectacled — was defended by a powerful team of former Lubbock County DAS, George Gilkerson and Travis Shelton.

Before the jury heard evidence, the prosecution called detectives to respond to the defense's allegation of an illegal search of the Brown home. Judge Ward denied the motion to suppress evidence and denied a defense motion for continuance based on newly discovered evidence. Jack, wearing a gray suit, showed signs of strain for the first time in all of

Saturday Morning, October 12, 1968—LUBBOCK AVALANCHE-JOURNAL ** A-13



DAY IN COURT—Dolphus Jack Brown, 26, center, confers with defense counsel Travis Shelton, left, and George Gilkerson. The state expects to conclude its case in the Lubbock man's murder trial today. (AP Wirephoto)

Jack Brown with his lawyers. AVALANCHE-JOURNAL ARCHIVES

his court appearances.

When testimony began on Oct. 11, Jack silently wept, dabbing his red, wet eyes with a handkerchief as a pathologist described horrific injuries to his parents, Buzz and Birdie Brown, bludgeoned to death April 18, 1967, in their Shallowater home.

In a surprising turn of events, the pathologist changed his opinion as to the time of their deaths. He originally report-

ed the couple died between midnight and 4 a.m., when witnesses swore Jack was with his girlfriend and at a poker game. He instead told the jury “I really don't know what time they died. It could have been several hours before,” a time period Jack's whereabouts was not so clear.

Items found in a dumpster in

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Mackenzie State Park were introduced: personal items belonging to Buzz and a pair of bloody coveralls he wore the evening of April 17. Birdie's bloody gray-and-white checked dress she wore the same evening was offered in evidence, as was a bloody towel connected to Jack's military service. A pair of blood-stained men's slacks found in the dumpster were also admitted into evidence.

The dumpster items were evaluated for blood type, which matched Buzz's type O and Birdie's type A, but the analysis failed to incriminate Jack. However, the girl Jack entertained in a Lubbock motel that evening identified the bloody slacks and a shirt stained with drops of blood found in a laundry hamper at the Brown house as "“what the defendant was wearing.”"

Griffin proposed Jack murdered his parents before 8 pm, played poker with friends, returned home later in the evening, cut the Brown's clothing from them, dressed them for bed, changed his clothing, left the residence, hid the bloody evidence and returned home about 3:30 a.m. to "discover" the bodies.

The DA also presented evidence of motive — greed — for the murders: a former girlfriend testified she loaned Jack \$200 and he did not repay the debt. The evidence of greed seemed weak, though it was true Jack stood to inherit from his parents the equivalent of more than \$1 million in current dollars. The inheritance evidence was not heard by the jury.

Gilkerson and Shelton presented an alibi defense, as a parade of witnesses documented his whereabouts the evening of April 7 and the early morning hours of April 8. A pathologist called by the defense testified the state's autopsy findings were "logically impossible," and estimated the Browns died between 1 a.m. and 3 a.m., when Jack's strongest alibi witnesses supported his presence elsewhere.

The jury deliberated less than six hours October 16 before returning a verdict of guilty. As the punishment phase of trial began, Jack looked pale and worried. Defense witnesses described his good character. Lubbock physician John Chalk, with whom Jack had lived after making bail, said Jack was, "one of the kindest and gentlest persons I've ever been around," practically a member of the family.

Following spirited final arguments, the jury decided Jack should spend 13 years in prison for murdering his parents. It seemed a lenient sentence for a guilty man, but Jack maintained his innocence. He re-



Alton Griffin, Lubbock County District Attorney, prosecuted Jack Brown for murdering his parents.

PHOTO PROVIDED BY CHUCK LANEHART

mained free on appeal bonds as Gilkerson and Shelton spent years litigating appeals, but to no avail.

Meanwhile, no one objected to Jack's application to probate his parent's wills. After all debts were paid, he collected about \$21,000 from their estates.

In March of 1972, Jack became a prison inmate at the Wynn Unit, Huntsville. He served only five years of his 13-year sentence before being released on parole May 12, 1977, just over 10 years following the death of his parents.

Jack married and raised a family, living and working in several Texas towns, but he never again saw Shallowater. In 2012, at age 70, he died from injuries sustained in an auto accident and was buried in LaRue, Henderson County, survived by his widow, five children and nine grandchildren.