

The Slaying of Deputy D. T. Smith



Deputy Sheriff Dewitt Talmage Smith

Dewitt Talmage Smith came to Cochran County from Wood County in 1924 with his wife Bessie Mae (Fortenberry) and their children Elmo, Louise and Oveta. Smith was well liked in the community and from 1928 to 1934 would serve as County District Clerk. Smith also served as the chairman for the Cochran County Red Cross and was appointed deputy sheriff in 1936.

“I’m shot, Tom, and shot awfully bad”

Howard Colvin Lackey and J. W. Mann arrived in Morton on the morning of Friday December 9, 1939 where they called on Mrs. Mildred Taylor, an acquaintance of Mann’s from Plainview, for coffee. There, Mrs. Taylor’s son-in-law, Earl Dewbre, who was an acquaintance of Mann’s from Crosbyton, joined them and the three men set off to Lubbock. The trio would come across Raymond Davis, a local farmer and truck driver who was on his way to Levelland to sell apples. Davis, an acquaintance of both Mann and Dewbre from Crosbyton, stated the men approached him and asked him to accompany them to Lubbock to help them locate Verne Beeve of Whiteface to retrieve a watch they had pawned him. Beeve was currently sick with pneumonia and staying in Lubbock. Davis claimed he didn’t “positively know where Beeves was at in Lubbock” but went with the three men anyhow, leaving his pickup at Simpson’s Service Station.

The four men had gone about eight miles east of Levelland, between Dykes gin and the town of Smyer, when the black 1939 Ford coupe deluxe, driven by Mann, hit a trailer belonging to Minor Yarbrough of Morton. The Ford coupe was “spun ‘round and turned over”.

The men were picked up from the scene of the accident by Clarence Young, an employee of Kuykendall Chevrolet of Lubbock. Young stated one of the men instructed him to “drive as fast to a hospital” because one of the four men had been hurt in the accident. Upon reaching the outskirts of Levelland, the instructions were changed and Young was told to stop at a service station where they would call a friend for help. Young recalls thinking it funny that all four men would leave the accident scene and on his way back to Lubbock came across the accident scene again where the Levelland sheriff had found a gun, a bottle of whiskey and a doctor’s case in the wrecked coupe.

Davis went on to say at the service station Young left them at Lackey and Mann told him they weren’t calling for a wrecker that the car was hot. Mann told Dewbre he could go on back to Crosbyton that Davis would carry them out from here and Dewbre left the group.

Mann drove Davis’ pickup about 10 miles west of Levelland before turning off on to a north road and instructing Davis to drive, Davis said both Lackey and Mann had guns and went on to say that Mann told him “less I talk the better it would be for me.”

The three men arrived in Morton at the Royal Café around 11 a. m. where they had a few beers before driving to Davis’ house. They left Davis’ house around 3 p. m. Mann pointed out Sheriff Standefer’s car and instructed Davis to “drive just as fast as we could go”, to which Davis replied he would try, but that the sheriff would “catch us up and we might as well give up”. Davis said they drove about four miles before Sheriff Standefer caught up to them. Davis stated he asked Mann and Lackey “how about stopping?” to which he was told “okay”. Davis went on to recount “When I stopped, Tommie got out and talked to us, he asked us what was the hurry and we told him we had started to town.” Davis stated D. T. Smith was driving the sheriff’s car and the sheriff asked us if we knew of “a little trouble in Hockley County”

Sheriff Standefer instructed Mann and Lackey to get in the car with him and Davis to drive his truck back to Morton. Davis made the following statement about the events that followed: “Buddy (Lackey) got out and went around to the car and D. T. got in the back seat. Instead of him (Lackey) getting in with him (Smith), he started shooting D. T. while the other boy (Mann) was begging him not to shoot. D. T. was sitting in the back of the car, I laid down in the pickup and don’t know how many shots was fired, and when I raised up, Tommie was shooting at Mann and Mann was running across the field. He (Standefer) quit and come up to where I was at the pickup and put the handcuff on me and asked me to hold D. T.’s head up. I got down and held him a few minutes while Tommie got help to load him in the car. He went to the store and then to that house nearby. He took the handcuffs off me and helped load D. T. in the car then came town and they put him in the sanitarium. They brought me to the courthouse.”



J. W. Mann – Lubbock Morning Avalanche

After escaping from Sheriff Standefer, Mann ran to the farm of A. E. Robinson, where he forced Robinson to drive him towards Morton. On the outskirts of town Mann would steal a 1940 Chevrolet coupe parked at the Pennington house. A massive manhunt that included Texas Rangers, Texas Highway Patrolmen, machine gun-equipped airplanes, bloodhounds from Pecos, and numerous peace officers from various towns in the South Plains was launched in the pursuit of Mann. Mann lead Highway Patrolmen Billy Johnson and Bruce L. Wooddell on a fourteen mile chase south of Crosbyton in the early morning hours of December 9th, shooting Mann out of the car he stole while fleeing Morton. Mann survived the gun battle, unwounded, and fled, jumping a fence and trekking across 15 miles of ranchland with only one shoe, having lost the other in his escape from the car. Acting on what the two patrolmen would later call a hunch, Johnson and Wooddell would arrest Mann December 11, 1939 in dugout near the courthouse in Crosbyton where Mann would play as a boy. Among the men assisting in the hunt for J. W. Mann were Highway Patrolmen B. J. Patterson, Norvell Redwint, Capt. W. W. Legge, Sergeants Tabor, Laws, and Alder, Lubbock sheriff's deputies J. P. Posey and Grady Harrist, Texas Rangers Neal Arthur, Pat Taliaferro, Special deputy Frank Mills and deputy constable John Lemond.

Mann's written statement would tell of a long list of stolen cars and robberies committed by Lackey and himself starting in San Angelo, where they stole a car and robbed a filling station before travelling to Eden where the two men stole another and moved on to Fredericksburg to rob another filling station and steal another car. The pair would travel to Levelland, Roscoe, Roby, where they stole the black 1939 Ford coupe deluxe belonging to Dr. William L. Allen before moving on to Sweetwater and back to Levelland

Witness testimony and most newspaper accounts state Deputy Smith was shot in the temple. Smith's death certificate states he was "shot through chest". The December 10, 1939 issue of the Lubbock Avalanche-Journal states "Deputy Smith was shot through the right shoulder, the bullet emerging from the opposite side of his body." All accounts seem to agree Smith was only shot once.

Deputy Smith's wound proved fatal and he died an hour later at the Morton Hospital and Clinic. Mary Lou Scifres, a nurse at the hospital, quoted some of Deputy Smith's last words as "I got the man that got me". Hundreds would attend Smith's funeral on Saturday December 9, 1940, overflowing the First Baptist Church. Deputy Smith was laid to rest in [Morton Memorial Cemetery](#). Deputy Smith's slaying was the first murder of peace officer in the district in more than ten years.

Lackey, who was shot four times during the gun fight, "once in the neck and three in the body" was taken to Levelland. Paralysis had set in both arms and from his waist down but doctors stated his wounds were not fatal. Lackey would die from his injuries the next day, December 9, 1939.

Mann did not take the stand during his trial but did make a written statement of the gun fight in which he admitted that Lackey had pulled his gun and that he (Mann) covered the sheriff and told him not to reach for his gun. Mann goes on to say that he saw Deputy Smith reach the rear of the car and he (Mann) fired the first shot then trained the pistol on Sheriff Standefer's face and pulled the trigger, but the gun, known to frequently jam, failed to fire.

During Sheriff Tom Standefer's testimony he stated he and Deputy Smith had driven out to the Davis home, which sits eight miles southwest of Morton, after Smith had received a call from Sergeant C. E. Tabor of the Texas Highway Patrol, asking them to question the men in the pickup truck. Sheriff Standefer stated he and Smith observed the pickup, driven by Davis, leave before their arrival. A short chase ensued but the officers managed to overtake the truck about 150 yards south of Kelly's store. Sheriff Standefer went on to tell about being confronted with the guns in the hands of Mann and Lackey when he ordered them into his car. The sheriff stated Mann told him not to reach for his gun but that Mann shifted and fired into the car where Smith was sitting, Mann then fled. Standefer states he fired once at Mann then turned and fired at Lackey who was ducking behind the car. The sheriff stated Davis then rose up from the pickup with his hands in the air. Sheriff Standefer quoted Deputy Smith as saying "I'm shot, Tom, and shot awfully bad".

Earl Dewbre would not be charged for his association with Mann and Lackey. Raymond Davis would receive a light sentence for his role.

On January 4, 1940 the jury sentenced Mann to life in prison for the murder of Deputy Sheriff Dewitt Talmage Smith.

J. W. Mann, along with two other life term prisoners, Andrew H. Nelson, a habitual criminal, and Robert Lacy, a convicted murderer from Dallas who used the alias Robert Lacy Cash, would escape on January 13, 1940 near Buffalo, Texas, while being transported from the Lubbock to the state penitentiary at Huntsville. J. W. Mann slipped his cuffs and freed the other two men, then convinced W. R. Crane, the prison transfer agent, to pull over. The three men quickly overpowered Crane and beat him unconscious before stealing his gun and his automobile, kicking off one of the biggest manhunts in the state of Texas. Mann and Nelson were captured at a beer tavern in Goldsmith, Texas on January 25th, when the car they had stolen was spotted outside the tavern. Robert Lacy Cash was captured at a campground near Boulder, Colorado on March 19, 1940.

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Sources: Texas' Last Frontier: A New History of Cochran County by Elvis Fleming and David Murrah; The Lubbock Morning Avalanche (Lubbock, Texas); The Lubbock Avalanche-Journal (Lubbock, Texas); The San Bernardino County Sun (San Bernardino, California); The Independent Record (Helena, Montana); The Abilene Reporter (Abilene, Texas); Valley Morning Star (Harlingen, Texas); The Amarillo Globe Times (Amarillo, Texas); The El Paso Herald-Post (El Paso, Texas); The Vernon Daily Record (Vernon, Texas); The Brownsville Herald (Brownsville, Texas); and The Clovis News Journal (Clovis, New Mexico)

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