

 Dallas News, Sports, Weather and Traffic from The Dallas Morning News

Web Search by Yahoo!

Search  

News  Sports  Business  Entertainment  Life  Health  Travel  Opinion  Autos  Real Estate  Jobs  Shopping  Classifieds

[Perry Watch](#) [Weather](#) [Traffic](#) [Obituaries](#) [Celebrations](#) [Photos](#) [Video](#) [Newsletters](#) [Contact Us](#) [Subscribe](#) [eBooks](#)

[New Search](#) [Return to results](#) [Printer Friendly](#)

**About your archives purchase:**

Your purchase of 10 articles expires on **02/10/2012 3:52 PM.**

You have viewed 5 articles and have 5 articles remaining.

**Dallas Morning News, The (TX)**

**Killer is probably Billy Allen - but which one?**

JENNIFER EMILY

Published: May 12, 2010

It's likely that Billy Allen killed two people in University Park in 1983. It's just not clear which Billy Allen.

Billy Frederick Allen was convicted of murder that same year and sentenced to 99 years in prison for the slayings of Raven Dannelle Lashbrook, 33, and James Perry Sewell, 46. But the Texas Court of Criminal Appeals last year ordered a new trial, saying his defense attorney had been ineffective because he hadn't discovered evidence that Billy Wayne Allen might actually have been the killer.

Lashbrook, who was dating Sewell, was found shot to death in a car at his home. The couple had been involved in drug trafficking and Sewell's house had been ransacked - with furniture turned over and holes knocked in walls - leading police to think the killer was looking for drugs.

Police found Sewell alive in his front yard. He had been stabbed, gagged and handcuffed and was covered with blood. Before slipping into a coma, he named "Billy Allen" as one of his attackers, but which Billy Allen he meant is a matter of contention. Sewell knew both, and both were suspects immediately after the slayings.

Further complicating matters, the evidence presented at the original trial has been destroyed, leaving open the possibility that whoever killed Lashbrook and Sewell may walk free.

The Dallas County district attorney's office said Tuesday that it plans to retry Billy Frederick Allen but declined to comment further. The trial is set for September.

Gary Udashen, who now represents Billy Frederick Allen and was not involved in the original trial, declined to comment.

J. Stephen Cooper, the original defense attorney, did not return calls seeking comment.

Billy Frederick Allen, 64, who has been free on bond since March 2009, said when reached by phone that he did not want to talk about his case. The man, who has prior convictions involving drugs, expressed frustration with the DA's office but would not go into detail.

"Just because they changed hands," he said, referring to the election of District Attorney Craig Watkins in 2007, "that don't mean they don't play by the same rules as Henry Wade, John Vance and Bill Hill."

Billy Wayne Allen, 51, who has a history of robbery and drug convictions, could not be reached for comment.

Witnesses who heard Sewell identify the person who stabbed him in April 1983 differ on his exact words. Sewell died two months later without ever waking from his coma.

University Park police Officer Curtis Clary testified at the September 1983 trial that Sewell told him that one of his attackers was "Billy Allen," according to the court's ruling.

The defense learned only after the trial that a paramedic, Phil Castle, reported having heard Sewell say "Billy Wayne Allen" five or six times. Castle testified that he would "never forget that."

Another paramedic, whom the defense did not call as a witness, said he would have testified that Sewell said the name Billy Allen and used a middle name with it, though the paramedic could not recall that middle name.

The appellate court wrote that the "importance of this evidence is underscored" by the fact that jurors, while deliberating guilt, sent two notes asking for clarification about the name that Sewell uttered to Clary.

At a hearing after the trial, a University Park police detective said he focused on Billy Frederick Allen over other suspects because the man's palm print was on the roof of the car where Lashbrook's body was found.

At trial, the defense said that the print was there because Billy Frederick Allen and Sewell had met at a café a few days before the murder so Allen could sell Sewell gold scraps. The defense said Allen leaned against Sewell's car and put his hand on the roof as Sewell counted money to pay for the gold.

Another print found on the roof was never identified. It's uncertain whether that print was compared to that of Billy Wayne Allen.

The lack of evidence will make prosecuting Billy Frederick Allen a second time challenging.

The evidence was destroyed in 2007 by court order - 12 years after it became eligible for destruction under the law. The destruction order was signed by state District Judge John Nelms. He has since retired but still hears cases as a visiting judge. Nelms said recently that he didn't remember the case but that signing such orders was common.

"It was extremely routine," said Nelms, who was not a judge at the time of the trial. "I probably signed 10 of those a day, all at one time."

Dallas County District Clerk Gary Fitzsimmons said that such evidence - with the exception of biological materials - is destroyed routinely. The law requires keeping evidence for two years after an appeal is denied for sentences of more than five years. For capital murder cases, evidence is kept indefinitely.

Evidence in any case can be kept indefinitely at the request of an attorney, Fitzsimmons said.

"It is difficult for me to imagine ... even under one of my predecessors that we would have destroyed evidence if asked" to keep it, said Fitzsimmons, who was elected in 2007. He said only prosecutors have ever asked the clerk's office to maintain evidence past its destruction date.

Defense attorney **Toby Shook**, a former longtime prosecutor, said after reading the Court of Criminal Appeals decision that trying either Billy Allen would be difficult. The destroyed evidence, the differences in testimony between the officer and paramedic and the passage of time all create barriers.

"I think it would be almost impossible to try this guy and get a conviction," said Shook, who was not at the DA's office when the case was tried. "A jury today is certainly not going to convict based on a recitation of a name."

PHOTO(S): BILLY FREDERICK ALLEN

(c) Copyright, 2010, The Dallas Morning News