



Online

Published on *Voice For The Defense Online* (<http://voiceforthedefenseonline.com>)

[Home](#) > Printer-friendly PDF

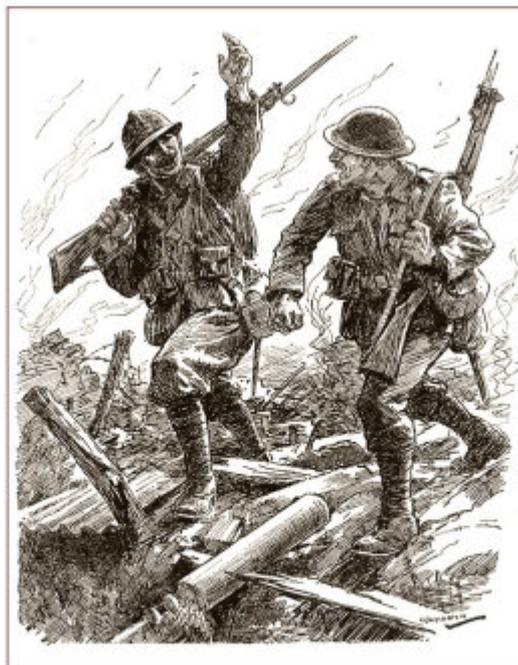
What Do You Mean the Courthouse is in the Wrong Place? A War Story

[1][Features](#)

[2][Bill Trantham](#)

Thursday, March 28th, 2019

What Do You Mean the Courthouse Is in the Wrong Place? A War Story by Bill Trantham



[3]

One of the most ingenious, albeit unsuccessful, collateral attacks upon a capital murder indictment occurred

in Denton County in 1980. Defense attorney Hal Jackson and his team set out to prove the Denton County District Court had no jurisdiction over their client, Brian Thomas Knowles, because the indictment returned by the grand jury had occurred outside the boundaries of the Denton County seat, and was therefore void. Had it not been for a fire in 1875 in the Denton County Courthouse, Mr. Knowles may have prevailed in his challenge. This ingenious fight was memorialized in an original action for writs of prohibition and mandamus in *Knowles v. Scofield*, 598 S.W.2d 854 (Tex. Crim. App. 1980). The back story went something like this.

In 1979, a young man was charged with raping and murdering a woman he'd met in a Denton County pool hall. The couple had left the pool hall around midnight, both reportedly intoxicated, and had made their way to a secluded place. The young man claimed the couple had sex in the pickup truck's bed, but further asserted the woman jumped out into the dark and began yelling for help. He claimed to have climbed back into the truck, turned on the lights, and began moving around to locate her. However, when he got out of the truck her lifeless body was found in the rear wheel well.

Mr. Knowles was quickly arrested, indicted for capital murder, and was set for a hearing in about six weeks. Knowles hired Hal Jackson, a co-founder of TCDLA, war hero, and legendary attorney. Jackson accepted a \$5,000 retainer with more to be paid later. Jackson and an associate, George Preston, began their investigation and appeared at the announcement setting as required. However, the team was stunned when the district court set the case for trial a month hence. They had not been paid enough, obviously, and the following Sunday morning the defense team discussed how they could slow the rush to judgment.

Denton County had moved into what was known as the Joseph A. Carroll Courts Building in 1978. This was a building intended for commercial use that went bust—even before the walls and painting were completed. Denton got a really good deal. The new building was about five blocks from the old courthouse, which had been located on the town square. Remarkably, some old-timers at Ruby's, a town square café, talked about how an old iron fence had surrounded the old courthouse on the town square, marking off the Denton County seat. At the time, the office of the sheriff and the courthouse had to be within the physical boundaries of the county seat. Indictments had to be returned in the county seat, as well.

It looked like a long shot, but maybe this was something to work with. The first stop was the county museum, where a history of Denton County was quickly purchased and scrutinized. The first revelation was the county seat had been platted in the shape of the state of Utah. Interestingly, Joseph A. Carroll himself platted the county seat, sometime between 1856 and 1858. Stop number two was the Jagoe Abstract Company. Owner Joe Jagoe, whose grandfather had bought out Joseph A. Carroll's survey company, provided an original map of the county seat. Clearly, and as luck would have it, the Joseph A. Carroll Courts Building was not within the physical boundaries of the platted Denton County seat. After additional research and investigation, a motion to dismiss the indictment was filed alleging the indictment had not been received in open court and was therefore null and void.

A hearing on the motion was heard by a visiting judge. All the historical documents gathered were entered into evidence, and a surveyor testified the Carroll Building was over 600 feet outside the platted county seat. Despite these extraordinary efforts to represent Mr. Knowles, the motion to dismiss was denied. Astonishingly, as the defense team left the courtroom, the sitting Denton County District Judge dashed down the hallway, with long curly white hair bouncing, screaming that if they freed all the convicts, he would release them from a bus at the team's front door.

Judge Sam Houston Clinton wrote the opinion in *Knowles v. Scofield* denying mandamus relief. The core question in *Knowles* concerned the discernment of geographical limits of location of the county seat of Denton County after it was removed from the town of Alton, pursuant to a November 1856 election where 136 votes were cast by county residents. *Knowles*, 598 S.W.2d at 859. There Clinton wrote:

Of course our concern here is not the legality of the 1856 election in Denton County but with ascertaining the intention of the citizens who voted in the election [citation omitted]. Since we cannot know from our record [because of the 1875 courthouse fire] what language appeared on the ballot submitting the question, in search of the answer we turn to the factual setting of the election, its consequences, and subsequent events that may provide it.

Id. at 858.

Judge Clinton went on to say:

For all that we can learn from the record before us, in November 1856 as unincorporated territory Denton may have embraced within its outer limits the panhandle area of the 100-acre tract, the whole of the tract and lands outside either or both [footnote omitted]. The later prepared and filed plat of the original town site of Denton is not, *ipso facto*, the county seat removed to Denton.

Id. at 862.

And in denying mandamus relief, he wrote:

[T]his Court is not in a position to determine the issue of fact as to what constitutes the boundaries of Denton, as county seat.

Id.

Hal Jackson and his team accomplished their goal of slowing the rush to judgment. But the ingenious legal battle in *Knowles* was the last of its kind. In the end, Mr. Knowles plead for 6 years' confinement in state prison. Probably a win, after all. Moreover, a Texas constitutional amendment was later approved to permit Texas counties to hold court and return indictments wherever their Commissioners Court designated. So never a Knowles issue would there be, ever again.

. © Copyright by Texas Criminal Defense Lawyers Association
Web hosting and design by ChiliPepperWeb.net

Source URL: <http://voiceforthedefenseonline.com/story/what-do-you-mean-courthouse-wrong-place-war-story>

Links:

[1] <http://voiceforthedefenseonline.com/channel/1/stories>

[2] <http://voiceforthedefenseonline.com/source/bill-trantham>

[3] <http://voiceforthedefenseonline.com/image/what-do-you-mean-courthouse-wrong-place-war-story>