

McKINNEY COURIER-GAZETTE

News and Pictures EVERY DAY About People You Know

Established March 4, 1897

McKINNEY, TEXAS, SUNDAY, FEBRUARY 1, 1970

10¢ Daily -- Sunday

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Police Officer Killed In Shooting Incident

"They always gave more than they were asked," Police Chief Otho Nicholas said Saturday of two of his men - Patrolmen Milligan Ray Burk, 30, and Tommy Lee Ashley, 21.

If Burk, married and the father of two, had given a little less, he would still be alive.

Burk was killed and Ashley was shot in the stomach and at last report was in serious condition at Collin Memorial Hospital.

Herman Calvin "Red" Smith, 42, was charged before Justice of the Peace Robert Ramsay.

"He has been arraigned and is being held on suspicion of murder pending formal charges", according to Tom Ryan county attorney.

Another man was held as a witness, Smith was shot in the stomach by Ashley. But Ashley was using .38 cartridges with a half load in his .357 magnum revolver and Smith was not seriously wounded.

A woman telephoned police at 10:30 p.m. that Smith and the man held as a witness were

quarreling and asked for a squad. Ashley, with an hour and a half to go on his shift, answered the call.

Burk, who was due to go to work at midnight, volunteered to help Ashley and went to the scene in his own automobile. He found Ashley bringing the witness out of a house in handcuffs.

State police said that as Ashley brought the witness out, Smith opened fire from a corner of the house with a .22 caliber weapon.

Burk brought a shotgun up and struck Smith in the mouth with the gun barrel. Smith fired. Burk fell dead almost instantly. Ashley shot Smith in the stomach and as Smith fell, he fired and hit Ashley in the stomach.

Ashley crawled to his car radio and said: "I've been shot and Ray's been shot. I think he's dead."

Sheriff's deputies converged on McKinney from as far away as Dallas. Police from two other cities joined McKinney police. Highway patrolmen from McKinney and Sherman moved in.

A crowd gathered at the scene of the shooting and there was some cursing and name calling but no violence.

Burk was the first policeman killed in McKinney since 1937, when a hoodlum shot an officer from his motorcycle.

Ashley's wife, an airline stewardess, had just left Dallas on a flight to New York when her husband was shot.

She was intercepted at Philadelphia and returned.

Arraignment was held before District Judge David Brown Saturday afternoon at four o'clock for the purpose of ascertaining if Herman Calvin Smith had sufficient means for employing counsel. Smith indicated he would prefer a McKinney attorney and it was later determined that he did not have sufficient funds for this employment.

Judge Brown had Smith brought before him where he was told that he would be charged with murder. Judge Brown then advised Smith that an attorney appointed by the court, Paul Warden, a former county attorney and Philip Grubs of Plano will act as defense counsels.

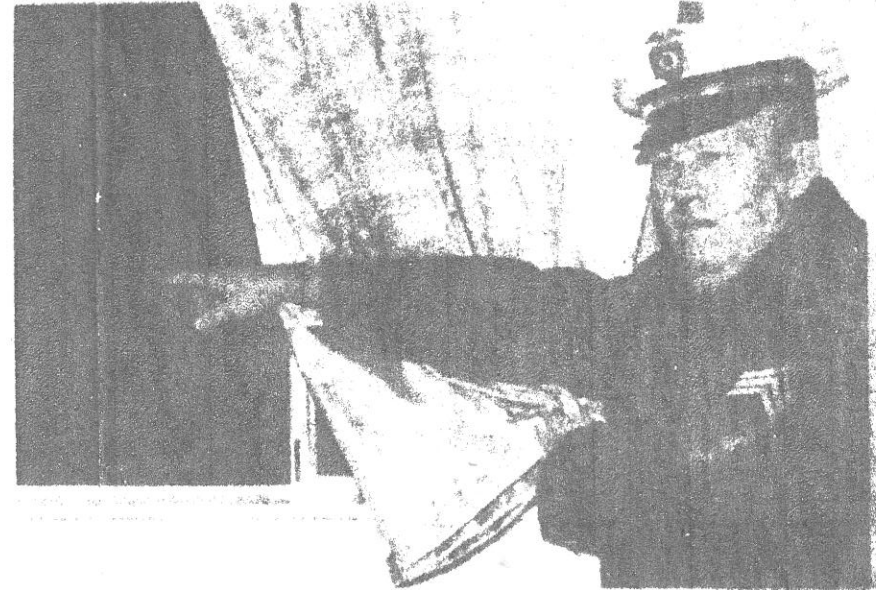
Judge Brown has called a grand jury for Tuesday, February 3 at 9 a.m.

District attorney Tom Ryan stated that if Smith is indicted for murder with malice, the state will seek the death penalty. Judge Brown stated that if the grand jury indicts Smith on this charge, the trial date will be March 23, 1970.

Funeral arrangements are pending. Flescher Funeral Home, Van Alostine are in charge of the service.

Surviving are his wife, Tommy Lynne, a daughter, Christy Lynn, 9, and a son Michael Ray, 7.

His mother and father are Mr. and Mrs. James Burk of Van Alostine, a brother, Donald of Van Alostine and a sister, Mrs. Robert Phillips of Madrid, Spain.



BULLET'S PATH -- Sgt. Burt Huddleston of the McKinney Police Department pulls back the curtains and points out the path one of the bullets traveled in Friday night's shooting on Daniel's Street, which left one Police officer dead, one Police officer in serious condition in the hospital, and two subjects in custody. Police are expected to finish the case Monday or Tuesday when one of the subjects is scheduled to be charged with murder. (C-G Photo by Cal Baker)



Patrolman Ray Burk

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MCKINNEY, TEXAS, MONDAY, FEBRUARY 2, 1970

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City Will Close For Burk Funeral

City offices will be closed Tuesday, Feb. 3, from 1:30 p.m. to 3:30 p.m., so city employees can attend the funeral of McKinney Police officer Ray Burk.

Burk, who was well-liked by everyone during his 18 months on the force, was killed Friday night when he helped answer a disturbance call on the city's east side.

Patrolman Tommy Ashley, who was the first officer on the scene, Friday night, was shot in the stomach.

Ashley, who had been a former McKinney High School athlete and a member of the force since April, 1969, was rushed to Collin Memorial Hospital for surgery after the incident.

Today, Ashley remains in fair condition at the hospital.

After a conference between doctors and Ashley's wife and family, it was decided that surgery would not be necessary to remove the .22-cal. bullet which is lodged in Ashley's liver.

Funds for Mrs. Burk and Burk's two small children continue to grow.

The fund at the Police Station is around \$500.

The Courier-Gazette fund is growing also.

Burk's funeral will be held at 2 p.m. Tuesday in Van Alstyne, at the First Methodist Church. Flescher Funeral Home of Van Alstyne is in charge of arrangements.

Meanwhile, Burk's accused killer, Herman "Red" Smith, has been transferred to the Collin County Jail, awaiting Grand Jury action.

The McKinney Police Department, as a whole unit, plans to attend Burk's funeral.

The local Police Station will be manned by officers from the Texas Department of Public Safety Highway Patrol.

The DPS radio dispatcher from Dallas will take over the McKinney dispatching duties during the funeral.



Patrolman Tommy Ashley

CONTRIBUTIONS TO BURK FUNDS

Additional contributions received for the Burk Memorial Fund received Monday at the Courier-Gazette Office:

Safeway Employees \$100.00
(Burk was a part time employee at Safeway)

George H. Jones \$25.00
James R. Rislinger \$10.00

A total of \$500 has been contributed to the fund being collected at Police headquarters.

Burk Rites Tuesday

Funeral services for Ray Burk, 30 of Melissa, McKinney Police officer who was killed while on duty Saturday evening, will be held at 2 p.m. Tuesday at the First Methodist Church in Van Alstyne. Rev. Chilton Igo will officiate and burial will be in the Van Alstyne cemetery, Flescher Funeral Home directing. The family will be at the funeral home tonight from 7 to 8 p.m.

He was born July 25, 1939, the son of Mr. and Mrs. James Burk, and was married to Tommie Lynn Bledsoe, Jan. 25, 1958.