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District Attorney Admits Writing Notes In Court

WACO (AP) — McLennan County's district attorney admits he wrote notes designed to shake up capital murder defendant David Wayne Spence, but said Tuesday it's no grounds for an appeal.

"Prosecutors do that kind of thing (writing notes) all the time. It's part of the psychological aspect of the trial. It's what you call psyching out the opponent," District Attorney Vic Feazell said.

A Bryan jury took only 10 minutes last week to sentence Spence to die for the murder three years ago of Kenneth Franks.

Spence, 27, now has been convicted of murdering Franks and Jill Montgomery, two of the three teenagers found stabbed to death at Lake Waco in July 1982.

Defense attorney Walter "Skip" Reaves of West filed for a mistrial because of Feazell's notes, which were written during jury selection, but 85th District Judge W.T. McDonald denied the motion, calling Feazell's notes "rather innocuous."

Reaves said, however, that he is preparing an appeal on grounds the mistrial should have been granted.

"In the first trial (in Waco), I took a fountain pen and placed it between my fingers and made needle gestures with it into my arm. It's just part of the psychological aspect of the trial," Feazell said.