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# Defense claims Spence wrong man

By TOMMY WITHERSPOON  
Tribune-Herald Staff Writer

Defense attorneys in the capital murder trial of David Wayne Spence opened their case Thursday by claiming that investigators indicted the wrong man in the Lake Waco triple homicides and by proving that unidentified hair samples found at the murder scene did not match the victims or any of the four defendants in the case.

"Quite simply stated, David is not the person who did the crime," said court-appointed defense attorney Hayes Fuller in his opening statement. "The prosecution has indicted the wrong individual in this case and they have

not, shall not and cannot prove that David is the person who killed Jill Montgomery."

Fuller said that while Spence was in the McLennan County Jail in September 1982, he cooperated with investigators who were trying to solve the slayings. Spence also jokingly told officers about a reported cash offer from Muneer Mohammad Deeb if Spence could find someone to kill Methodist Home resident Gayle Kelly, Fuller said.

"Thinking (the offer) was a joke, he told police about Deeb's offer and cooperated with police officers to clear himself of suspicion," Fuller said.

Miss Kelly testified earlier in the nine-day

trial that Deeb took out a \$20,000 accidental death insurance policy on her and made himself the beneficiary.

Deeb's former business partner testified that he overheard Deeb ask Spence if he could "get rid of" Miss Kelly, who closely resembles Jill Montgomery, also a former resident of the Methodist Home.

Spence, 25, is on trial in Miss Montgomery's death. He also faces capital murder charges in the deaths of teen-agers Raylene Rice and Kenneth Franks.

Three Waco police detectives and an Army Corps of Engineers lake ranger testified Thursday concerning the events of July 14,

1982, the day the teens' bodies were found in a secluded area of Speegleville Park.

Judge George Allen recessed the 54th State District Court jury of eight women and four men until Monday morning while he rules Friday behind closed doors on the admissibility of testimony from four defense witnesses.

Attorneys involved in the case have been placed under a "gag order" by Allen and declined comment on the identity of the prospective witnesses or the nature of their testimonies.

Waco police detective Ramon Salinas, one

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## Spence lawyers base case on hair samples

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of three full-time investigators assigned to the Lake Waco case, said that a laboratory analysis of hair samples found in terry cloth towels used to bind the victims did not match that of Spence, the other men accused in the homicides or any of the victims.

Hair samples obtained from Spence's 1970 Malibu, which was purchased and dismantled by investigators in April 1983, also did not match any of the victims or defendants, he said.

Under cross-examination from District Attorney Vic Feazell, Salinas said that Spence's former car, which Spence sold two weeks after the triple homicides, was owned by two other motorists before investigators tracked it to a car wash employee and bought it.

Salinas said that besides the hair samples, investigators also found evidence of blood on an arm rest in the front seat, but were unable to determine how long it had been there, where it came from or its type.

Salinas said that investigators found two Budweiser Light beer cans near the girls' bodies, but were unable to lift any prints from the discarded cans. He said officials several months later found the remains of a deteriorated stick that had been wrapped with elec-

trical tape several feet from where the beer cans had been found.

A Texas Department of Corrections inmate testified last week that he painted a bandana with a .44-caliber pistol on it and the words, "Texas Outlaw." Spence's McLennan County Jail nickname, on it while the pair were confined at the jail.

The inmate said Spence asked him to amend the present by drawing two girls on the bandana, one a blonde and one a brunette. Miss Rice was blond and Miss Montgomery was a brunette.

He also said that he is not skillful in drawing hands and feet, so he drew in a "Bud Light" beer ice chest to cover the hands and feet of the girls. He testified that when Spence saw the ice chest with Bud Light on it, he became irate and said that the gift had been ruined.

Another prison inmate testified last week that Spence told him he had raped the girls and abused them with a wooden stick that he called a "whoopie stick."

Feazell asked Salinas if it were reasonable that the killers could have dumped out the teens' bodies at the park along with the beer cans and the stick. Salinas agreed that it is possible.

Court officials have indicated that the defense could rest its case by Tuesday.