

Thursday, May 24, 1984

1st juror chosen for Spence trial

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Tribune-Herald Staff Writer

The 63-year-old chairman of the Baylor University psychology department, the first person interviewed by attorneys Wednesday morning, was selected as the first juror in the capital murder trial of David Wayne Spence.

Before he was chosen, Dr. Mac Sterling told prosecutors and defense attorneys, "This is not a job I seek, but I will try to be fair and impartial and do the best I can."

The jury selection process, which is expected to take from two to four weeks, began Tuesday in 54th State District Court when about 225 prospective jurors crowded into two courtrooms and filled out a three-page questionnaire.

Judge George Allen instructed eight people to return Wednesday for individual questioning by court-appointed defense attorneys Russ Hunt and Hayes Fuller and prosecutors Vic Fea-

zell and Ned Butler.

Four others questioned Wednesday were rejected as jurors.

During questioning of potential witnesses Wednesday, attorneys explained technical aspects of the law as it pertains to capital murder cases and asked for their opinions about capital punishment.

Spence, 25, who along with three others is charged in the July 1982 Lake Waco stabbing deaths of three teenagers, faces life imprisonment or death by injection if convicted.

Dr. Robert Sullivan, an Austin psychologist who attempted to hypnotize Spence to aid prosecutors in the triple slaying investigation, was in the courtroom Wednesday to assist prosecutors during the jury-selection.

Before Sullivan was told by Feazell not to talk to reporters, Sullivan said he watches prospective jurors to

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"determine how they process information to decide if they will be effective jurors for the prosecution.

Also present Wednesday was a woman who would identify herself only as a "very concerned relative of Jill Montgomery. Spence, who is charged with three counts of capital murder, is being tried only for Miss Montgomery's death.

Attorneys on both sides of the case have been granted 15 peremptory strikes, a method in which an unacceptable juror can be rejected without the attorneys' giving specific reasons for the dismissal.

Attorneys also are given an unlimited number of "strikes for cause," in which attorneys must cite a legal reason for the person to be dismissed. The judge then rules on whether the person should be seated on the jury panel or dismissed.

Feazell and Butler used one of their peremptory strikes Wednesday to reject the second person interviewed, a 35-year-old claims representative with the Social Security office in Temple.

The third potential juror, a 24-year-old U.S. Postal Service clerk, was dismissed after an agreement between state and defense attorneys.

A 29-year-old flight instructor at Texas State Technical Institute was rejected by defense attorneys because he expressed doubts about being able to follow certain guidelines mandated by law concerning jury deliberations.

The fifth person interviewed, a 35-year-old employee at Owens-Illinois, was rejected because he admitted that he once was convicted of theft, a crime of moral turpitude.

Two people asked to appear Wednesday, a 61-year-old school teacher and a 34-year-old upholsterer for Smith Furniture Co., were asked to return Thursday for questioning.