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# Melendez case attorneys ask to withdraw

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Two lawyers attempting to withdraw as counsel for capital murder defendant Gilbert Melendez pleaded their cases Wednesday before 54th State District Judge George Allen, but Allen delayed a ruling on the requests until later this week.

Waco attorneys Dick Kettler and David Cherry earlier this month were appointed by Allen to represent Melendez, one of four suspects in the 1982 slayings of three Central Texas teens whose bodies were found near Lake Waco.

Melendez, who was brought into the courtroom after windows were shaded to prevent cameras from taking photographs, testified he wants both attorneys to withdraw from his case.

Kettler, a criminal defense lawyer who shared offices with McLennan County District Attorney Vic Feazell before Feazell became DA last January, said it would be a conflict of interest for him to represent Melendez.

As a prosecutor with the DA's office from 1971 to 1974, Kettler said he prosecuted Melendez in 1974. Melendez pleaded guilty to assault with intent to murder and was sentenced to three years in prison.

"Our intent is to attack the validity of that 1974 conviction," Kettler said. "I

feel in that regard, it could be a conflict of interest. I could be called as a witness for the defense."

Under questioning from prosecutor Ned Butler, Kettler acknowledged that witnesses other than himself could testify about the 1974 conviction.

Kettler also argued that he has represented a witness expected to be called in the case, and his cross-examination of that witness could violate the confidentiality of the client-attorney relationship.

Cherry, an attorney with the firm of Pakis, Cherry, Beard and Giotes, said he did not believe he was competent enough in criminal law to represent Melendez.

Cherry said he has never tried a felony case and has been appointed to only three felony cases in 15 years of practicing law. Two of those cases resulted in guilty pleas.

Allen asked Cherry about a conversation in which Cherry complained about the financial burden of handling the case.

"That has absolutely nothing to do with it," Cherry said.

"The money is a side issue completely," Cherry said. "This is the most serious case in the world. This man's life is at stake. If I were a criminal lawyer and had experience, I wouldn't be here now."