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Motions filed in lake murder case

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Attorneys for Muneer Mohammad Deeb and Anthony Melendez, who will be free men if cleared of three capital murder charges against them, on Friday asked 54th State District Judge George Allen to allow their clients to be tried before the other two defendants in the 1982 Lake Waco triple murder case.

Allen set the order Thursday in which the four capital murder defendants will be tried, but attorneys for Deeb and Anthony Melendez on Friday asked the judge to reconsider his ruling to avoid further incarceration for the men.

Allen ordered David Wayne Spence to stand trial first, followed by Gilbert Melendez, Anthony Melendez and Deeb. Each has been charged with three counts of capital murder in the July 1982 stabbing deaths of teen-agers

Jill Montgomery, Raylene Rice and Kenneth Franks.

Spence and Gilbert Melendez are serving prison terms in connection with the aggravated sexual abuse of an 18-year-old Waco man. Spence was sentenced to 90 years last March by a 54th State District Court jury, and Gilbert Melendez was sentenced to seven years after pleading guilty in a plea-bargain arrangement.

If acquitted of the three capital murder charges, Spence and Gilbert Melendez will be returned to prison to complete their terms, but Deeb and Anthony Melendez have no other charges pending against them.

Anthony Melendez had been charged with robbery in Corpus Christi at the time of his arrest in the triple homicide case, but authorities in Nueces County were forced to dismiss the charge when they failed to bring him to

trial under statutes outlined in the Texas Speedy Trial Act.

Attorneys Dick McCall and Jack Holcomb, who represent Deeb, and Jim Barlow and Chuck Youts, who represent Anthony Melendez, filed motions requesting speedy trials for their clients.

Allen rejected those motions Friday and said the cases will be tried in the order he established Thursday, beginning with Spence's trial on May 21.

In his motion for speedy trial, Barlow noted that there are four state district courts in Waco that could accommodate at least one of the trials while one is being conducted in Allen's court.

But in testimony Friday, Assistant District Attorney Ned Butler said it would be impossible for his office to try two capital murder cases at the same time because of staffing shortages and because there is only one set of

physical evidence in the cases.

Butler predicted it will take about three weeks to select a jury in each case and about two weeks to try all cases, except for Deeb's. He said it probably will take an additional week to complete Deeb's trial.

Allen has disposed of most of the pre-trial motions filed by attorneys during the past two weeks of hearings, but a motion by Spence's attorneys to exclude the testimony of a forensic dental specialist and a motion by all defense attorneys to prohibit the testimony of anyone whose memory has been hypnotically enhanced still are pending before the court.

Spence's attorneys, Russ Hunt and Hayes Fuller, are expected to file a change of venue motion within the next two weeks. When the motion is filed, Allen will schedule a hearing to determine if an impartial jury can be selected in McLennan County despite publicity about the case.