

Movie on Waco murders may not air

Former police officer could seek order to block 'unauthorized' CBS film

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Truman Simons has never particularly liked Robert Conrad as an actor. Now that he has seen a preview of Conrad's new made-for-TV movie about the murder of three teen-agers in which Conrad plays a veteran lawman trying to solve the brutal crime, Simons is sure he will never watch another of Conrad's movies.

"I have never watched Robert Conrad movies, and this just reaffirms why," Simons said. "I won't ever watch any more. I heard that they made this movie in two weeks, and it shows."

The movie, *Sworn to Vengeance*, was "inspired" by Dallas author Carlton Stowers' award-winning book *Careless Whispers*, the true crime account of the 1982 deaths of three teenagers at a Lake Waco park.

Simons, a former Waco police sergeant who is now a McLennan County sheriff's lieutenant, solved the case, which shocked the sensibilities of Central Texans and sent ripples across the

state.

The CBS movie, produced by Conrad's Black Sheep Productions, is scheduled to air 8 p.m. Tuesday on KWTX-TV, Channel 10. However, it may have to clear a legal hurdle Tuesday morning before anyone else gets to see it.

Simons, 49, has hired a Houston attorney and is determined to block its release. To try to accomplish that, his attorney, Dale Jefferson, said there is a "high likelihood" that he will seek a temporary restraining order Tuesday morning from a McLennan County judge to prevent CBS from showing the

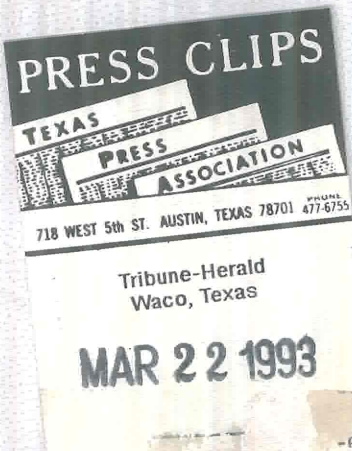
movie.

A CBS official and Conrad's attorney say the film was "inspired" by Stowers' book. It is not a true account "based upon" the book.

It is a subtle difference, but one that makes all the legal difference in the world as far as Simons' claims that they have made an unauthorized movie about him, according to CBS and Conrad's attorney.

Jefferson, who once represented the so-called Houston "Cheerleader Mom" in a similar movie situation, disagrees.

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MOVIE

County judge could block CBS film

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In the case of Wanda Holloway, who was convicted of trying to hire someone to kill the mother of her daughter's cheerleading rival, ABC paid Holloway for her right to the story just before a court hearing at which she planned to try to block the movie.

Holloway's conviction was overturned on appeal and she is awaiting a new trial.

Fictionalized account

Sworn to Vengeance is set in Nevada, not Waco. The names — and in at least two cases, the genders — of the characters have been changed. Also, the alleged motive for the killings has been changed. Instead of an alleged murder-for-hire for insurance proceeds, it is a murder-for-hire plotted by a woman spurned by her married lover.

The woman in the movie is the owner of a convenience store across from a children's home.

In real life, Muneer Mohammad Deeb was the owner of a store across from the Methodist Home, and at one time was on death row for allegedly paying David Wayne Spence to kill his former employee for insurance money.

Deeb's conviction also was reversed, and a Tarrant County jury acquitted him on capital murder charges in January at his retrial.

The other character whose gender is changed in the movie is

the district attorney, who is a woman.

Changing faces

Former McLennan County District Attorney Vic Fezell and assistant Ned Butler prosecuted Spence, Deeb and brothers Gilbert and Anthony Melendez in the teens' deaths.

In the movie, Spence's character is called Michael Burke and has the nickname "Spike." The Melendez brothers are Hector and Jesus Martinez.

The story line and characters, however, will be recognizable to Waco viewers who have kept up with local news in the past decade.

"It is a fictional work, purely a fictional work," said Alan Grodin, the Los Angeles attorney who represents Conrad.

Grodin said an important component in the decision to fictionalize the film was the uncertainty of Deeb's retrial.

Ticklish situation

The ticklish legal question boils down to an interpretation of when someone becomes a public figure, Jefferson said. Movie producers do not have to secure the rights to make movies about Frank Sinatra, Michael Jackson or other big stars. But they certainly do from Simons, he said.

"There are certain expectations in this area," Jefferson said. "Fair comment on judicial proceedings and things of that nature, and when you are dealing with someone who is a public figure or a public official is one thing. But Truman is not an elected official. He is no public figure. He is John Q. Public that wears a badge."

Simons said he has turned down other lucrative movie offers because he was afraid the movie would turn out like this one has.

He gives *Sworn to Vengeance* "two thumbs down — and fingers and toes and everything else," he said.

"The main reason I was against doing the movie and rejected so many screenplays was I was afraid that somebody would make a B-movie out of it, and sure enough, that is exactly what it is," Simons said. "There is no emotion in the movie, and it was a very emotional case. The way they did it just doesn't give the victims or their families any dignity."

Wedge between friends

The movie also has driven a wedge between once close friends Stowers and Simons. Stowers, who did not know until this week that the movie is set to air Tuesday, has sold movie options to *Careless Whispers* before, but they have lapsed each time.

Stowers said he decided that a true movie account of the book would never be made after he learned Simons and Butler were shopping for movie rights on their own and because Simons has rejected so many screenplays in the past. That's why he gave Conrad's production company the go-ahead with the fictionalized account, Stowers said.

"I still regret that it was not possible to follow the story line of the book rather than fictionalize it," he said. "Frankly, I am more excited over news that *Careless Whispers* will be published in Germany later this year."