

Pre-trial focus on Spence

By TOMMY WITHERSPOON

Tribune-Herald Staff Writer

David Wayne Spence, one of four men charged with capital murder in the July 1982 stabbing deaths of three teen-agers, said Tuesday that McLennan County officials arranged to have him analyzed by two psychiatrists while he was in the county jail to determine if he has a split personality.

Spence testified Tuesday in 54th State District Court during the second day of pre-trial hearings in the Lake Waco triple homicide case.

Questioned by court-appointed defense attorneys Russ Hunt and Hayes Fuller, Spence said McLennan County sheriff's deputy Truman Simons suggested Spence might have similar personality traits to those of convicted mass murderer Theodore Bundy, who is said to have multiple personalities and sometimes cannot remember his actions.

Spence said he and Simons, who began investigating the homicides as a Waco police detective before transferring to the sheriff's department, had built up a good rapport through repeated conversations at the jail, so he agreed to talk to the psychiatrists.

Spence, 24, said he was interviewed by Robert Sullivan of Austin and Dr. James W. Jolliff of Waco.

Judge George Allen rejected two motions from Hunt and Fuller asking that he dismiss charges against Spence. The attorneys claimed in one motion that prosecutors violated the Speedy Trial Act by not announcing they were ready to go to trial within 120 days of Spence's arrest.

The second dismissal motion alleged that law enforcement officials deliberately detained Spence at the county jail after his March 1983 conviction for aggravated sexual abuse.

Spence was sentenced to 90 years in prison on the aggravated sexual abuse charge and was held in the county jail from Sept. 9, 1982, when he was arrested, until Aug. 30, 1983, when he was transferred to prison.

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Defense attorneys claim that officers "without warrant or legal authorization" held Spence in jail, where he was "continuously interrogated by police concerning the Lake Waco case."

The motion also alleges county officials compelled Spence to give them bite specimens, hair samples and facial photographs without the benefit of legal representation.

"Additionally, he was told that the state knew he was guilty and that he was going to be indicted, tried and put to death," the motion states.

Spence testified he confided in Simons during his stay at the jail and that the men became friends. He said they often talked about the killings all night while Simons was assigned as jailer on Spence's floor.

Spence said Simons thought he was "street-wise" and initially wanted him to make phone calls to help police ob-

tain information about the homicides. But Simons told him in November 1982 that police thought he was a primary suspect in the case, Spence said.

Hunt asked Spence about his interviews with prosecutor Ned Butler, and Spence said Butler had threatened him several times.

"He (Butler) said he knew I did it and that he was going for a conviction and that they were going to kill me," Spence said.

Spence testified that after he was transferred to the Texas Department of Corrections' Eastham Unit, his life was threatened on at least two occasions for his alleged involvement in the teens' deaths.

After overruling the motions in Spence's case, Allen shifted his attention to two dismissal motions filed by attorneys Dick McCall and Jack Holcomb, representing Muneer Mohammad Deeb, a second defendant in the

killings.

The attorneys also have asked Allen to dismiss the charges against their client on the basis of Speedy Trial Act violations.

Deeb, 24, appeared in the courtroom Tuesday sporting a black eye received in a Saturday morning fight with another county jail inmate. Lt. Howard Nelson said Deeb and another inmate were fighting over access to Deeb's television.

Allen did not rule on the motions Tuesday, and is expected to continue pre-trial hearings throughout the rest of the week.

Anthony Melendez, 24, and his brother, Gilbert Melendez, 28, also have been charged in the deaths of Raylene Rice, Jill Montgomery and Kenneth Franks. The younger Melendez is represented by Chuck Youts and Jim Barlow, and his brother is represented by Rod Goble and Dick Kettler.