

Tuesday, May 22, 1984

# Selection of jurors to begin for triple-murder court case

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Jury selection for the capital murder trial of David Wayne Spence is expected to begin Tuesday in 54th State District Court, a process court officials predict might take as long as three weeks.

Judge George Allen Monday paved the way for the trial to begin by rejecting defense motions to move the case to another county and to delay the trial.

About 300 prospective jurors are expected to assemble at 9 a.m. Tuesday, Allen said. Jury notices have been sent out to 500 people, but about 175 have been excused for a variety of reasons.

Spence, 25, will be the first of four capital murder

defendants to stand trial for the July 1982 stabbing deaths of teen-agers Jill Montgomery, Raylene Rice and Kenneth Franks, whose bodies were found near Lake Waco.

Muneer Mohammad Deeb, 24, Anthony Melendez, 24, and his brother, Gilbert Meledez, 28, also are charged in the teens' slayings. Each is charged with three counts of capital murder and each, including Spence, will stand trial first for Miss Montgomery's death.

Court officials expect Spence's trial to last about three or four weeks after a jury panel has been

Please see JURY, Page 14A

## Jury selection could take 3 weeks

□ From Page 1A

seated.

In testimony Monday before Allen overruled the change of venue motion, Bob Powers, Spence's former Sunday school teacher at South Manor Church of the Nazarene, said that he had not heard about Spence's alleged involvement with the Church of Satan until District Attorney Vic Feazell mentioned it to him just before Powers testified during Spence's March 1983 aggravated sexual abuse trial.

Court-appointed defense attorneys Russ Hunt and Hayes Fuller have contended that publicity about Spence's two prior felony convictions and the fact that his name has been linked with devil-worshipping would make it impossible to select an impartial jury in McLennan County.

During cross-examination, however, Feazell showed Powers the transcript of Spence's March 1983 trial in which Powers admitted that Spence had told him that he once had worshiped at another church — the Church of Satan.

"I possibly misunderstood your question at that time," Powers said. "(Spence) never told me he was a member of the Church of Satan. In a spiritual context, he might have said something like, 'I used to worship the devil, but now I want to worship the Lord.'"

In denying the change of venue motion, Allen said he will keep the motion to move the trial "in mind" should prospective jurors indicate prejudice against

Spence.

Spence was sentenced to 90 years in prison and fined \$10,000 after his McLennan County conviction for sexually abusing an 18-year-old Waco man.

Spence also was convicted of robbery in 1980 in Tarrant County.

Monday, West attorney Walter Reaves Jr., who represented Spence during his aggravated sexual abuse trial, told Allen that publicity about Spence has been "highly prejudicial," making it impossible for him to receive a fair trial in Waco.

Hunt and Fuller, who earlier during pretrial hearings had asked Allen to dismiss charges against Spence because of alleged Speedy Trial Act violations by the state, asked the judge to delay the trial Monday because the state has "spent \$100,000 and literally thousands of hours meticulously preparing its case."

In other action involving the triple homicide, Dick McCall and Jack Holcomb, attorneys for Deeb, asked that Allen grant Spence's motion to delay his trial and allow them to select a jury for Deeb's trial on Tuesday.

Deeb has no other charges pending against him, and McCall has said that if he is cleared of the capital murder charges, he will be a free man.

"We ask that we be allowed to go to trial tomorrow," McCall said. "We have not asked for a change of venue because we think we can get a fair trial in McLennan County. We ask that you grant (Spence's) continuance and start our trial tomorrow."