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Spence, Feazell testify at change of venue hearing

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David Wayne Spence asked Judge George Allen on Monday to move his capital murder trial out of McLennan County because "there ain't no way" an impartial jury can be selected, due to publicity about his criminal record and his alleged membership in the Church of Satan.

Spence, 25, is scheduled to go on trial in Allen's 54th State District Court next Tuesday for the death of Jill Montgomery, one of three teen-agers whose bodies were found in July 1982 at Lake Waco's Speegleville Park.

Court-appointed defense attorneys Russ Hunt and Hayes Fuller have filed

a motion asking the judge to move Spence's trial to another county because of publicity about the triple homicide.

Spence, Muneer Mohammad Deeb, 24, Anthony Melendez, 24, and his brother, Gilbert Melendez, 28, each have been charged with three counts of capital murder in the deaths of Miss Montgomery, Raylene Rice and Kenneth Franks.

During testimony Monday, Spence said his "name has been ruined in this town" because of publicity about his March 1983 conviction in McLennan County for aggravated sexual abuse, a 1980 robbery conviction in Tarrant County and statements made by prose-

cutors during his sexual abuse trial linking him with the Church of Satan.

Spence was sentenced to 90 years in prison and fined \$10,000 after a jury convicted him of sexually abusing an 18-year-old Waco man.

The defendant testified he is a former member of South Manor Church of the Nazarene at 3336 Garden Drive and has never been involved in Satan-worship or told anyone he has been.

Spence said he is aware of a building on North Nineteenth that reportedly has been used by devil-worshippers but said he has never been there.

Asked by Assistant District Attorney Ned Butler if he believes in Satan, Spence said, "I never have been a real

strong Christian, but I try. I do believe in what the Bible says, and it says if you believe in one (God or Satan), you have to believe in the other."

During cross-examination of Spence, Butler acknowledged prosecutors first mentioned Spence's alleged involvement in the Church of Satan at his March 1983 trial. But he told Spence that since that trial has ended, publicity generated about the Church of Satan "is mostly due to the efforts of your own attorneys to get that out before the public."

In other testimony Monday, District Attorney Vic Feazell said his office "assumed a leadership role in the (triple murder) investigation" shortly

after he assumed office in January 1983.

Fuller attempted to ask Feazell if he perceives McLennan County as a "religious and law-abiding community" and if he has ever heard Waco referred to as "Jerusalem on the Brazos," but the questions were overruled by Allen after objections from Butler.

In the motion to move the trial, Fuller and Hunt said that pre-trial publicity has "created such a religious bias against (Spence) that it will be wholly impossible to select a jury that is not prejudiced."

"Because of the intensity of these religious feelings, it is likely and probable that prospective jurors will mis-

represent or conceal their true feelings toward (Spence) out of a desire to rid the community of this 'devil worshiper,'" the motion added.

Allen is not expected to rule on the change of venue motion until after John Ben Sutter, Feazell's administrative aide, and another witness testify Monday. Sutter is on vacation this week.

Allen ruled on about 40 defense motions involving all four defendants during pre-trial hearings last month.

Five hundred prospective jurors are expected to be summoned next Tuesday if Allen rejects the motion to move the trial.