

Wednesday, June 13, 1984

Spence remains 1 juror from trial

Officials in 54th State District Court are one alternate juror away from beginning testimony in the capital murder trial of David Wayne Spence.

Five prospective jurors interviewed Tuesday by prosecutors and defense attorneys were dismissed, only the fourth day since jury selection began May 22 that no jurors were selected.

Twelve jurors and one alternate have been chosen, and jury selection will continue until another alternate has been selected.

Judge George Allen said he expects testimony in the trial to begin Monday. Prosecutors are expected to call about 45 witnesses during the trial, which is expected to last about four weeks.

On Tuesday, court-appointed defense attorneys Russ Hunt and Hayes Fuller used peremptory strikes to reject a 62-year-old foreman at General Tire and Rubber Co. and a 53-year-old Connally Independent School District administrator.

Defense attorneys have used 13 of their allotted 15 strikes to excuse potential jurors, and are expected to use all of their juror challenges before the final juror is selected.

McLennan County District Attorney

Vic Fezell and Assistant District Attorney Ned Butler used a strike Tuesday to dismiss a 32-year-old insurance company clerk.

Prosecutors have used 10 strikes to excuse jurors.

Also Tuesday, a 36-year-old shop clerk at Trinity Equipment Co. was dismissed by the court after stating that he already had formed an opinion about Spence's guilt or innocence.

A 59-year-old construction worker was dismissed by Allen after he told officials he could not give the death penalty under any circumstances.

Spence, 25, is the first of four defendants to stand trial in the July 1982 Lake Waco triple homicide case. He will be tried in the death of Jill Montgomery, who, along with Raylene Rice and Kenneth Franks, was found stabbed to death at Speegleville Park near Lake Waco.

Spence, Muneer Mohammad Deeb, 25, Gilbert Melendez, 29, and his brother, Anthony Melendez, each are charged with three counts of capital murder and face death by injection or life prison terms if convicted in the triple murder.