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Spence trial begins Tuesday

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Testimony in the second capital murder trial of David Wayne Spence is scheduled to begin Tuesday in Judge W.T. (Tom) McDonald Jr.'s 85th State District Court in Bryan.

A regular jury of seven women and five men, plus two alternates, chosen during 3½ weeks of questioning in September, will decide whether Spence, sentenced to die in a Waco trial in the death of Jill Montgomery, was responsible for the July 1982 stabbing death of Kenneth Franks.

The bodies of Miss Montgomery, Franks and Raylene Rice were found at Lake Waco's Speepleville Park. They died from multiple stab wounds.

According to a scenario unveiled during previous trials, Muneer Mohammad Deeb hired Spence and brothers Anthony and Gilbert Melendez to kill Franks and Franks' former girlfriend, Gayle Kelly, so that Deeb could collect on a \$20,000 accidental death insurance policy on Miss Kelly.

But prosecutors believe Spence mistook Miss Montgomery for Miss Kelly the night of the murders.

The trial, which will last probably about three weeks, is expected to be the last of the Lake Waco triple murder trials. Deeb was sentenced to die in the death of Miss Montgomery in a March trial in Cleburne.

The Melendez brothers pleaded guilty in the deaths of Miss Montgomery and Franks, and each was sentenced to two concurrent life prison terms. Both are expected to plead guilty to a third murder charge in exchange for another life term.

Spence's trial was moved to Bryan on a change of venue. Although jury selection was completed in September, McDonald delayed the start of testimony in order to attend a judicial conference last week in McAllen.

McLennan County District Attorney Vic Feazell and Assistant District Attorney Ned Butler will handle the prosecution. Spence, 27, is represented by attorneys Walter Reaves of West and W.W. (Bill) Vance of Bryan.

"I think the trial will go a little faster (than the first Spence trial), because I doubt we'll have as many hearings out of the presence of the jury. And we're trying to streamline our witness list, because now we've got testimony from two eyewitnesses (Melendez brothers)," Feazell said.

Other key testimony in the trial is expected to come from Dr. Homer Campbell of Albuquerque, N.M., a forensic dental expert who is expected to testify that bite marks found on the bodies of Miss Montgomery and Miss Rice match Spence's teeth.

"It puts Spence at the scene," Feazell said.

Feazell said the jury selected in Bryan appears more moderate than juries previously selected to hear cases against the triple murder defendants.

"It's a moderate, middle-of-the-road jury. The jury seems to be philosophically in between those in Cleburne and Waco," he said. "The Waco jury was more liberal, and the Cleburne more conservative. The Bryan jury seems to be more moderate."

Feazell rejected accusations that he is using the Spence trial to avert negative publicity surrounding a federal grand jury investigation of his office by Assistant U.S. Attorney Jan Patterson in Austin.

"David Spence refused to sign a waiver of speedy trial, which left me with only two options: take him to trial or dismiss the cases pending against him," Feazell said.

"I felt that before we had a ruling from the court of appeals on the first case, that I was not in a position to dismiss the remaining cases. Just the possibility that there would be some problem with the first case that we had not foreseen, I didn't want to take the chance of Mr. Spence getting out of prison someday in the near future and moving back to Waco. I don't think that's a chance the people who elected me would want me to take.