

Wednesday, May 9, 1984

Venue hearing focuses on local media coverage

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Judge George Allen in 54th State District Court and attorneys involved in the Lake Waco triple homicide case spent Tuesday morning watching videotapes of local television broadcasts about the case in an attempt to determine if the trial of David Wayne Spence should be moved out of Waco because of publicity about the case.

Court-appointed defense attorneys Russ Hunt and Hayes Fuller claim Spence cannot receive a fair trial because of a "hostile community atmosphere" created by publicity about his criminal record and his alleged membership in the Church of Satan.

Spence, Muneer Mohammad Deeb, Anthony Melendez and Gilbert Melendez each are charged with three counts of capital murder in the July 1982 stabbing deaths of Jill Montgomery, Raylene Rice and Kenneth Franks.

Jury selection in Spence's case, which will be tried first, has been scheduled for May 22. Allen has said he will not rule on the change of venue

motion until after McLennan County District Attorney Vic Feazell testifies Monday and Feazell's administrative assistant, John Ben Sutter, takes the stand May 21.

Feazell and Sutter are in Washington, D.C., this week attending a prosecutors' conference.

Hunt said publicity about Spence's March 1983 conviction for aggravated sexual abuse and his subsequent 90-year prison sentence, his Tarrant County robbery conviction in 1980 and attempts to label him a devil-worshiper have "created such a religious bias against him that it will be wholly impossible to select a jury that is not prejudiced."

Hunt and Fuller argue that it is unfair to Spence that potential jurors know about his criminal record, since neither conviction will be admissible at his trial unless he takes the stand in his own defense.

The aggravated sexual abuse case is being appealed, so it cannot be counted as a final conviction, the law-

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lawyers said.

Tuesday, court officials watched about 45 minutes of tape about the triple homicide case from KCEN-TV and about seven minutes of tape supplied by KWTX-TV. Hunt also furnished about 10 minutes of news broadcasts about the case from KWTX that he has taped since being appointed to represent Spence.

Media representatives subpoenaed by the defense on Monday furnished the court with newspaper stories and radio and television tapes and scripts concerning the teens' deaths.