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# Attorneys appointed for suspects

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A Waco attorney appointed Wednesday to represent one of four men charged with capital murder in the July 1982 deaths of three teen-agers said he expects to lose at least \$25,000 because of the time the case will take from his private practice.

"There are two sides to being appointed to this case," said attorney David Cherry. "No. 1, the lawyer in me is going to make this a good fight. I am going to represent my client to the best of my ability. But the economics of this thing are going to be a disaster for me. The compensation that is paid to appointed lawyers in this county is ridiculously low."

Cherry and Waco attorney Dick Kettler were appointed Wednesday by 54th State District Judge George Allen to represent Gilbert Melendez, one of four men charged in the deaths of Jill Montgomery, Raylene Rice and Kenneth Franks.

Melendez, 28, his brother, Anthony Melendez, 24, David Wayne Spence, 25, and Muneer Mohammed Deeb, 24, each were indicted Nov. 21 on three counts of capital murder in the deaths of the teens, whose bodies were found near Lake Waco last year.

Russ Hunt and Hayes Fuller were appointed to represent Spence, who was returned to Waco on Monday from the Texas Department of Corrections' Eastham Unit in Lovelady, where he was serving a 90-year sentence for the aggravated sexual abuse of an 18-year-old Waco man.

Chuck Youts and another attorney expected to be named by Friday will represent Anthony Melendez.

Deeb, a Jordanian national who was arrested Nov. 14 in Dallas, has retained Conroe attorney Michael McDougal, who said Wednesday he is

unsure if he will represent Deeb.

"(Deeb's) father is having trouble getting out of Saudi Arabia to come over here," McDougal said. "I was under the impression he was to be here this week. I will probably know something by Friday. I will meet with him, and if we get along and agree on things, I will be doing it."

Deeb remains jailed under bonds totaling \$600,000, but no bond will be set for Spence or Gilbert Melendez since both were Texas prison inmates when the capital murder charges were filed. Melendez was sentenced to seven years in prison in 1982 after pleading guilty to the same offense for which Spence was convicted.

Allen said he will set bond on Anthony Melendez "as things progress."

Cherry, 39, who practices civil law and says he has little experience as a criminal trial lawyer, said McLennan County commissioners are forcing private attorneys to "bear the burden of the county" because of the low pay given them.

"I am going to put the amount of time into this case that it is going to

take to get the job done, but the fee will not pay me for research, for investigation or for the paper I use to prepare motions," Cherry said.

McLennan County is required to pay court-appointed attorneys in capital murder cases at least \$250 for every day in court, but Allen has said he will ensure attorneys are paid at least \$350 a day. "I'll pay them what's justified," Allen said. "I don't expect them to work for nothing."

"This system is ridiculous," Cherry said. "It is not a situation of the county not having enough money. They can do it if they want to. When the county gets sued by one of these jail inmates, they hire a private counsel and pay him a reasonable fee. When the county sues to collect back taxes, they pay a reasonable fee to a private attorney for that."

Kettler, 38, worked for the McLennan County district attorney's office from 1971 to 1974 and is a former associate of District Attorney Vic Feazell in the law firm of Hall, Kettler and Feazell.