

Saturday, June 9, 1984

# 12th juror named for triple murder trial

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Twelve people who will determine if David Wayne Spence will be convicted of capital murder have been impaneled in 54th State District Court.

A 27-year-old mechanic at Diesel Power Supply Co. on Friday became the 12th juror to be selected in the July 1982 Lake Waco triple slayings case.

Spence, 25, is the first of four capital murder defendants to stand trial in the stabbing deaths of teenagers Jill Montgomery, Raylene Rice and Kenneth Franks, whose bodies were found near Lake Waco.

Spence will be tried first in the death of Miss Montgomery. If convicted, he faces death by injection or life imprisonment.

Jury selection will continue Monday until two alternate jurors have been chosen. Court officials have predicted that testimony could begin as soon as Wednesday and last at least four weeks.

Court-appointed defense attorneys Russ Hunt and Hayes Fuller have used nine of their 15 strikes to dismiss unacceptable jurors, and are expected to use all of their allotted strikes before the alternates are

chosen.

Prosecutors Vic Feazell and Ned Butler have used eight strikes to reject potential jurors.

On Friday, a 64-year-old retired woman, a 28-year-old forklift operator at Certainteed Corp. and a 39-year-old foreman at General Tire and Rubber Co. were excused from jury service by the defense.

During pre-trial hearings in April, Judge George Allen ruled on about 40 defense motions, including a motion to move the trial to another county because of publicity about the case and Spence's criminal past.

Spence was sentenced to 90 years in prison and fined \$10,000 in March 1983 on charges he sexually abused an 18-year-old Waco man by holding a knife to his throat and forcing him to perform sexual acts with Gilbert Melendez, 29, another of the capital murder defendants.

Melendez pleaded guilty to the same offense in December 1982 and was sentenced to seven years in prison.

Muneer Mohammad Deeb, 25, and Melendez's brother, Anthony Melendez, 25, also are charged with

three counts of capital murder in the slayings.

Spence also was convicted of robbery in Tarrant County in 1980 and sentenced to four years in prison.

The aggravated sexual abuse conviction will not be admissible during Spence's capital murder trial because it is being appealed and cannot be considered as a final conviction.

However, during jury selection last month the 10th Court of Appeals in Waco upheld the conviction and forwarded it to the Court of Criminal Appeals in Austin.

The state is expected to call 45 witnesses in Spence's trial, including a forensic dental specialist from Albuquerque, N.M., who is expected to testify that he can match bite marks found on the female victims' bodies with dental samples taken from Spence while he was in the McLennan County Jail.

But defense attorneys claim that odontology, the study of the anatomy of teeth, is not favorably recognized in the medical community. They also are expected to call a dental expert to counter Campbell's testimony.