

MINUTE

By MIKE COPELAND
Tribune-Herald Staff Writer

Two witnesses Thursday identified Larry Dean Kinder as the man who started an altercation Nov. 14 outside the Okey Dokey Nite Club that ended with three people being stabbed, one fatally.

Kinder, 29, of 2208 Jane is charged with murder in the death of John Hart Pundt, 19, a student at Texas State Technical Institute.

Mike McClesky, a roommate of Pundt, testified in 54th State District Court that he was struck in the face by a man he identified as Kinder as he stood near his pickup in a parking lot adjacent to Okey Dokey.

He said about 20 people were entering the parking lot shortly after the midnight closing time when the occupants of a car waiting to leave began to shout obscenities. McClesky said he had his arms folded when Kinder approached him, cursing, and struck him in the mouth.

"I told him I didn't want any trouble," McClesky testified, adding that he had heard a "commotion" and turned to check on the whereabouts of his two companions — Pundt and Kenneth Ray Miles. He said Kinder boasted profanely about being the toughest man in Waco.

Miles, McClesky and Pundt went through high school together, were close friends, and went to Okey Dokey on the night of the stabbing because it was "beer bust" night, which allows unlimited drinking for a \$5 cover charge, McClesky said.

After McClesky was struck, Miles said, he was slugged twice in the face by a man with red hair and a red beard. Miles said he had spoken to the man, saying, "Leave him (McClesky) alone. We just want to go home."

Continuing his testimony, McClesky said he was trying to open the door to his truck when a man he identified as John Brinegar approached him and said, "You need to get the hell out of here."

"I'm trying to," McClesky said he responded.

Only seconds later, a second man identified as John David Wilkins walked up and also suggested that McClesky leave, McClesky said.

"He was a little more harsh" and threatened bodily harm, McClesky said.

Again, McClesky said he responded, "I'm trying." Suddenly, Wilkins "ran a knife down my arm," McClesky said. At the request of state attorneys, he showed the jury a 16-inch scar on his left arm.

"I tried to get into the truck but slid down. I got up, walked a little, and slid down again," said McClesky. "People were screaming. I don't know if I was in or out (of consciousness) or not."

Testimony indicated that when Miles went to McClesky's aid, he was stabbed in the lower back and suffered a collapsed lung.

"I felt something on my back, reached around, and had blood on the back of my hand," Miles said. "I looked up and saw Hart (Pundt) about 12 feet away, looking at us. He had a shocked expression on his face."

Miles said he ran to Okey Dokey, told "some-

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one behind the counter" to call an ambulance, then collapsed. McClesky and Miles testified they never saw Pundt alive again. They also said they could not re-

call seeing Kinder again after he struck both of them.

Wilkins was found guilty in Pundt's death May 13 by a McLennan County jury and was sentenced to life in prison.

Brinegar, 22, of 1114 Timberline

originally was charged with murder in the stabbing death, but charges later were dropped.

Dr. Robert Walter, a clinical pathologist, testified Thursday that Pundt received many stab wounds on the night of the altercation but

bled to death as the "gaping" wound to the Attorney Pat Murray McLennan Countyney's office said they will rest its case Friday. Testimony resume

By PAUL CARR
Tribune-Herald Staff Writer

A state witness put a dent in the state's murder case against Larry Dean Kinder when she testified Wednesday that she saw Kinder deliver two "karate kicks" to John David Wilkins while Wilkins was attacking a man on the ground.



Stacy Nystrom testified in 54th State District Court that Wilkins tackled a man from behind and then, with his back to her, got on his knees and appeared to be attacking the man on the ground. Kinder then walked up and kicked about the height of Wilkins' head. He could not have kicked the man on the ground because the kick was too high, she said.

The state is attempting to prove Kinder was with Wilkins in the fight about midnight Nov. 14, 1984, in the parking lot across the street from the former Okey Dokey Nite Club, 1005 Wooded Acres. Wilkins was convicted last month of murdering John Hart Pundt and was sentenced to life in prison.

Under cross-examination by defense attorney Lynn Malone, Ms. Nystrom said she never saw Kinder try to help Wilkins.

Larry Collins, a friend of Kinder, said he walked out of the club and saw Kinder, 29, and a younger man in a confrontation. He said he heard the young man say he didn't want any trouble. At that point, Collins said he positioned himself between the two men in an attempt to break up the situation.

Collins said he talked Kinder into backing away from the confrontation. Kinder then took his shirt off and boasted with profane language about how bad he was.

A moment or two later, another man, wearing a dark-colored shirt, walked up in defense of the first man and told Kinder to, "Leave my friend alone." Collins testified, "I told the boy that he doesn't need none of this trouble," and it would be best if he left the scene. Kinder then walked around Collins and struck the man, he said.

At the same instant, Collins said, he heard a voice from another direction saying, "I've been cut."

Collins said he saw a man with a bloody arm, possibly the same man involved in the initial confrontation with Kinder. Collins then ran across the street to the club to get the security guards and to ask someone to call the police and an ambulance, he said.

While he was there, a man wearing a dark-colored shirt came into the club and collapsed on the floor with a stab wound to the back, he testified.

Two witnesses said they saw Wilkins with a knife, but none of the witnesses saw Kinder with a weapon.

Testimony resumes at 9 a.m. Thursday.

Kindler 'primary mover' in stabbing

ARR Staff Writer

Tuesday in 54th the murder trial with prosecutor Kindler's opening statement would attack the "primary mover" that left one

Nov. 14 of a stab- tion about mid- across the street Jokey Nile Club, stabbed, includ- Kenneth Miles ider and a man egar.

is a co-defend- John David Wil- who was con- nder and sen- nt, Murphy told

the jury of eight women and four men the state would show that Wilkins did the cutting and stabbing, but that Kindler started the altercation and "would not let it stop." Even after Pundt and his room- mates were stabbed, Kindler wanted "to hurt these boys," Murphy said.

Thomas Mahon, the state's lead witness, testified Tuesday he saw Kindler arguing with a man standing beside the open driver's side door of a car stopped in the driveway of the parking lot. Kindler then turned around and began arguing with a blond-haired man who had his arms folded, Mahon said.

Kindler struck the man, who with his arms still folded, backed up, he said.

As the man retreated around the side of a pickup truck, Kindler followed, Mahon said. He then lost sight of the two men. When the blond man circled the truck and came back into view, his left arm had been cut and was bleeding severely, he testified.

Another man then knelt down in an ap-

parent attempt to aid the fallen man, Mahon said. At that point, a man Mahon identified as Wilkins walked up and stabbed the uninjured man in the chest.

A white van had pulled up nearby, and Mahon said he heard a shout.

"It sounded like somebody said, 'Let's go,'" Mahon said. He said he saw Kindler walk by and then saw the van leave. "When the van was gone, I didn't see the defendant anymore," he said.

Mike Ammons testified he knew Kindler at the time of the incident, and that he saw him involved in an altercation with a man.

"(Kindler) was the one doing the pushing," Ammons testified. The man backed up and said something similar to, "Just leave us alone and we'll get out of here," Ammons said.

But, "Larry (Kindler) advanced on him," he said, and Kindler struck the man several times as he pursued him around a pickup truck. When the man came out from behind the truck, his left arm was

severely cut, he said.

Ammons echoed Mahon's testimony in that he, too, saw a third man walk up to aid the fallen man, with a fourth man walking up and stabbing him. He identified a police mug photo of Wilkins as the man who did the stabbing.

Kindler then walked over and kicked the man on the ground with the cut arm, Ammons said.

Stacy Nystrom testified Tuesday afternoon that she saw Kindler start the fight by pushing a man, who retreated in an effort to avoid conflict. She said she also saw Kindler in a fight with another man.

At one point, Wilkins was on top of a man who had been knocked to the ground, she said. While a third man was attempting to pull Wilkins off, Kindler walked up and kicked Wilkins in the head twice, Ms. Nystrom testified. She said she later saw Wilkins in police custody with a gash on his forehead.

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