

# Judge Denies Dismissal In Lake Slaying Trial

By CAMELIA FOSTER

Judge George Allen overruled a motion by defense attorneys to dismiss charges against Anthony Melendez one of the four Waco men charged in the capital murder deaths of three teenagers at Lake Waco on July 13, 1982.

Attorney's sought the dismissal under the speedy trial act on all three indictments returned by the McLennan County Grand Jury last November charging Melendez, his brother Gilbert Melendez, David Wayne Spence and Munheer Mohammed Deeb with causing death by stabbing with an unknown weapon and aggravated kidnapping.

Questioned Thursday afternoon by defense attorneys were Dennis Baier, a Waco Police investigator on the case, and Truman Simons, a McLennan County Sheriff's Deputy. Thelbert Millsap, a Department of Public Safety Ex-

pert on the use of the polygraph was in the hall waiting to testify but was not called.

Defense attorneys, Chuck Youts and Jim Barlow questioned the reasons for arresting Melendez in Ft. Worth on a Corpus Christi warrant and the questioning him about the triple murders. Melendez was kept in the McLennan County Jail for 10 days after his return to Waco on August 19, 1983 from Ft. Worth, before being transferred to Corpus Christi.

They questioned Simons and Baier about his interrogation of the prisoner while he was in county jail on another county's warrant.

Baier said Melendez was only arrested as a witness and not charged with the murders. "We wanted to talk to him because he was Gilbert's brother and also about his movements during that time."

Judge Allen set bond at \$200,000 on each count Melendez is charged with after attorneys filed a writ of habeas corpus.

Melendez bond is the same as that set for Deeb. Bond will not be set on Spence and Gilbert Melendez since they are already serving time in the department of corrections on other cases.

Arraignments of the four defendants were held in 54th District Court beginning at 8:45 Thursday morning.

The first to plead not guilty on all three indictments was Deeb. Dressed in a two piece coordinated suit and handcuffs, Deeb quietly said with no emotion he was 'not guilty' as charged in the deaths of Kenneth Franks, Raylene Rice and Jill Montgomery.

Representing Deeb are court-appointed attorneys Richard McCall and Jack Holcomb.

Presenting the charges for the state were DA assistant Ned Butler.

McCall has filed 12 other pretrail motions and Judge Allen indicated he would hear them on March 1 and 2.

Gilbert Melendez was the next defendant to appear in court. Dressed in jail attire and wearing handcuffs he was represented by court appointed attorneys Rod Goble and Dick Kettler. He also plead not guilty to all three charges of capital murder. Judge Allen set March 1 as the date to hear his motion to dismiss under the speedy trial act.

DA Vic Feazell read the charges against David Wayne Spence who came to court dressed in jail attire and handcuffs. Spence also plead not guilty to all the charges and Allen set his hearing date for March

Feazell said he expected one of the defendants to be on trial by April 1.

Anthony Melendez was the last defendant to appear before the court Thursday morning. Dressed in what appeared to be a new blue suit and white shirt with tie and handcuffs, Anthony 'Tony' Melendez seemed to be in a jovial mood as he waved to friends in the courtroom.

Court appointed attorneys representing him were Barlow and Youts.

He also plead not guilty to all three charges, and Judge Allen set his hearing for Thursday afternoon.

When Tony Melendez came back to court for the afternoon hearing he was attired in a jail uniform. His attorneys asked he be dressed in his suit and the court waited while he was taken back to the jail to change.

Jail officials are also checking into a complaint by Deeb that he is being served pork which is against his religion.