

BRUCE PERRYMAN
Attorney at Law

620 Columbus Avenue
Post Office Box 146
Waco, Texas 76703

Telephone (254) 754-3113
FAX (254) 754-5709
Toll Free (800) 299-5529
bplaw9845@sbcglobal.net

June 2, 2014

Mr. Vic Feazell
Attorney at Law
6618 Sitio Del Rio Blvd. C101
Austin, Texas 78730

Re: Lake Waco Murders 1982

Dear Vic:

I wrote the enclosed letter to Texas Monthly but they chose not to publish it. I thought you might want to put it on your website with all of the other evidence. You have my full permission to do so.

Sincerely,



Bruce Perryman
Attorney at Law

Enclosures

Subject: I take issue with the Texas Monthly article regard

From: Bruce Perryman [REDACTED]

To: [REDACTED]

Date: Friday, May 16, 2014 12:17 PM

I take issue with the Texas Monthly article regarding Anthony Melendez and the Lake Waco murders of 1982. There is a considerable amount of evidence that the right people were prosecuted for these crimes. You can read it for yourself at www.vicFeazell.com.

Any homicide detective will tell you there is usually a connection between the victim and the perpetrator. Muneer Deeb and Kenneth Franks disliked each other over a girl that Deeb was infatuated with and Franks befriended, Gail Kelly. David Spence's girl friend worked for Deeb at the Rainbow Inn and Spence frequented the place and knew Gail Kelly and Jill Montgomery, and Franks. Franks, Gail Kelly and Jill Montgomery all lived at the Methodist Home off and on during this time, and also frequented the Rainbow Inn. It was across the street from the Home, and Deeb was known to give beer and marijuana to the home residents, especially girls he liked. Franks especially disliked him for this.

Deeb and Spence did a lot of talking, and not all of it was inside the jail. The testimony of Deeb's business partner is pretty enlightening, as is Spence's parole officer, Spence's girl friend, and Dorothy Miles, a mother like figure to Spence. None of their testimony or statements were mentioned in the article.

Spence himself gave a statement that in June 1982 Deeb asked him if he would kill Kenneth Franks and Gail Kelley for \$5,000. (Christy Juhl, Spence's girl friend, said it was on July 4th). Franks and the young ladies were murdered July 13th, only nine days later. Upon learning of it, Deeb said he was glad, but Gail was supposed to be with him. Deeb may not have been serious about soliciting Spence, and Spence's primary motivation may not have been money, but Deeb certainly set things in motion.

Also of note, Spence and Gilbert Melendez sexually abused and cut an 18 year old man two months after the triple murders in much the same way, after a random meeting on Valley Mills Drive one night in Waco. Spence went to trial and was sentenced to ninety years for that case. Gilbert Melendez pled to seven years. (Spence was in jail waiting for trial on this case when he began talking to Truman Simons). Spence brutalized his girlfriend regularly, biting her breast hard enough to bring blood and inserting a broom handle inside her. According to her, he carried a knife everywhere he went until July 14, 1982. He also took some kind of intravenous speed and drank beer almost nonstop, which generally makes a person much more prone to violence. The physical evidence of the murders certainly looks like David Wayne Spence's handiwork.

When you add Spence's near confessions to the other evidence, and to the confessions and testimony by the Melendez brothers, it becomes apparent that justice was served.

There is no evidence pointing to other suspects, and those would-be suspects had no connection to the victims at all. Tab Harper was no stranger to law enforcement in Waco and they would have been more than happy to hang this case on him, but since he didn't do it, they couldn't. Nor is there any alibi evidence that casts doubt on

the guilt of Spence or either of the Melendezes. Spence had a dozen years on death row to come up with something. But there is nothing. Even without the inmate testimony and bite mark evidence, the evidence is compelling.

Today we are used to proving guilt scientifically. There was no DNA evidence back in the early 1980's. Partially for that reason, the scene where the bodies were found was not preserved and investigated as it should have been. The scene at Koehne Park was not investigated immediately after the murders because it was not known until much later that it was the site of the rapes and murders. But testing today will not exonerate Tony Melendez. If his DNA is not found on the surviving physical evidence, it doesn't mean he was not there that night. It just means it can't be proven today by forensic evidence. Don't forget that he and his brother did confess and testify to participating in the rapes and killings. (You can see why Tony's motivations might be different today). The Melendez brothers were there. David Spence didn't do it by himself, and he didn't have a lot of friends. Not that would do something like this.

Opponents of capital punishment are trying hard to find a case where DNA evidence will demonstrate an innocent man was executed. This case is not that case. It is also true that defendants sometimes confess to crimes they did not commit for fear of receiving a longer sentence by jury that will not believe them. This case is also not that case. Those cases occur where victims and witnesses are set to testify against the defendant. This case was defendant against defendant, or so the Melendezes thought. Both Melendez brothers knew Spence was talking to Simons and feared he would center the blame on them. They resented Spence for putting them in this position because he was primarily to blame. This is the real reason for their confessions.

In any crime there are always some things that can't be fully explained, and the investigative work can be challenged. I have been doing that for 25 years as a criminal defense attorney in Waco, Texas. This case was no rush to judgment. It was methodically built over two years. There are too many admissions, confessions, and coincidences to reach any other conclusion than that the guilty were brought to justice. It was not something that was fabricated or coerced by Truman Simons or anyone else. Too many people were involved to keep what would have been, if it were so, such a monumental injustice quiet. Anthony Melendez, like many others who have been incarcerated for many years has gotten some help from others pursuing their own agendas. It gives him something to do and something to hope for. It gives journalists something to write about. I hope their efforts don't require this case to be retried thirty plus years later. Outliving the witnesses is not an appropriate reason for exoneration. The families of these kids deserve better than that. Kenneth Franks, Jill Montgomery, and Raylene Rice deserve better than that. Everyone who was ever young and went to the lake with their friends to watch the sunset on a hot summer night deserves better than that.

Bruce Pennington
254-754-3113
972-825-7271