

Wednesday, February 1, 1984

# Murder suspects face arraignment

By MARY ANN KREPS  
Tribune-Herald Staff Writer

Four men indicted for murder in the 1982 Lake Waco killings are expected to be arraigned by 54th State District George Allen during a Feb. 9 hearing.

Allen also is expected that day to hear arguments on an application for a writ of habeas corpus and a motion to dismiss capital murder charges against Anthony Melendez.

Melendez, 24, his brother, Gilbert Melendez, 28, David Wayne Spence, 25, and Muneer Mohammad Deeb, 24, each are charged with three counts of capital murder in the 1982 slayings of three Central Texas teen-agers whose bodies were found near the lake.

If convicted, the men could be sentenced to life imprisonment or death by injection.

The defendants are expected to enter not guilty pleas during next week's hearing.

Allen said he will set a date for the first defendant's trial during the Feb. 9 hearing and will set a date to hear pre-trial motions for all four defendants. Spence probably will be the first defendant to be tried, a court spokeswoman said.

Attorney Jim Barlow, one of two court-appointed attorneys representing Anthony Melendez, has filed a motion to dismiss the capital murder charges, cit-

ing a violation of the Speedy Trial Act.

The act requires that prosecutors announce they are ready for trial within 120 days of arrest.

Melendez, who was in the Nueces County Jail on a robbery charge, was brought to the McLennan County Jail for questioning on Aug. 17, according to Barlow's motion. Barlow contends that the state has failed to announce it is ready for trial within the 120-day period.

Melendez, however, was not charged with capital murder until his Nov. 21 indictment.

Barlow also is seeking a writ of habeas corpus, alleging that Melendez has been unconstitutionally held without bond and without sufficient evidence.

Barlow claims his client has the ability to post a \$10,000 bond.

Deeb, who is being held under \$600,000 bond, is the only defendant for whom bond has been set. Anthony Melendez was transferred from the Nueces County Jail, and Gilbert Melendez and Spence were transferred from the Texas Department of Corrections, where they are serving time on sexual abuse charges.

The capital murder charges stem from the July 1982 stabbing deaths of Jill Montgomery, Raylene Rice and Kenneth Franks.