

THURSDAY

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Witness: truck was working

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BRYAN — A state rebuttal witness said Wednesday the pickup truck he sold to Gilbert Melendez was in operating condition 10 days prior to the time Melendez said he used the truck to transport the dead bodies of three teen-agers.

On Tuesday, a Waco mechanic surprised prosecutors by testifying that Melendez's truck was inoperable the night of the Lake Waco triple murders on July 13, 1982. Calvin Nesbit told jurors Melendez's 1963 Ford pickup sat inoperable at his residence from June through August of 1982.

Melendez testified last week that he, his brother, Anthony Melendez, and Spence used the truck the night of the murders to transport the bodies of the victims from Koehne Park to Speegleville Park.

On Wednesday, prosecutors called Richard and Ronda Sulak of Waco who testified they sold Melendez their truck on July 3, 1982, and that the truck was in running condition. Sulak produced notarized documents indicating the sale was on July 3, 1982.

Melendez was called back to the stand on Wednesday, and he said he bought the truck on July 3, 1982, and didn't take the truck to Nesbit's residence until a few days prior to July 13, 1982.

In direct contradiction to Nesbit's testimony, Melendez said there was nothing wrong with the fuel pump or starter, and said the pickup did not have flat tires.

Melendez repeated that he and his brother drove out to Nesbit's residence following the murders, and drove the pickup off Nesbit's property and back to Koehne Park, where Spence was waiting with the bodies of Kenneth Franks, 18, and Jill Montgomery and Raylene Rice, both 17.

Melendez said he took his pickup back to Nesbit in early August.

Willie Tompkins, an investigator in the McLennan County District Attorney's Office, testified that using information gained from the Melendez brothers, he and investigator Truman Simons went to Koehne Park in July 1984.

Tompkins said he began searching in the dry leaves and other debris on the ground where the Melendez brothers had said the murders took place. He said he located two cosmetic

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Spence complains about trial

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bottles in the grass, and that Simons began looking in the area near him, and found a gold bracelet.

Gloria Montgomery, Jill Montgomery's sister-in-law, testified that the bracelet found in Koehne Park was "exactly like" a bracelet Jill Montgomery had worn during the summer of 1982.

District Attorney Vic Feazell and assistant prosecutor Ned Butler sought to enter in rebuttal testimony from Dr. Homer Campbell, a dental expert, that teeth patterns of the Melendez brothers did not match the bite mark injury patterns found on the bodies of Miss Montgomery and Miss Rice.

Butler said the teeth impressions of the Melendez brothers were taken Friday evening after defense attorneys asked Campbell if he had compared the bite mark injury patterns found on the two girls to the Melendez brothers' teeth. Campbell, who testified the bite mark injury patterns did match Spence's teeth, said he had not seen impressions of the Melendez brothers' teeth.

Butler said he wanted to introduce testimony from Campbell Wednesday that the forensic odontologist had checked the Melendez brothers' teeth over the weekend, and found that they did not match the bite mark injury patterns found on Miss Montgomery and Miss Rice.

Defense attorneys W.W. Vance and Walter Reaves objected, and said that if introduced, they should be allowed to have their dental expert, Dr. Gerald Vale, inspect the Melendez brothers' teeth impressions to see if he agreed with Campbell. Vale has returned to California.

District Judge W.T. McDonald ruled that no additional bite mark evidence would be introduced.

After Feazell rested the state's rebuttal, Spence again asked the court to speak, as he had done Tuesday.

"I really don't understand what's going on here," Spence said. "You're giving us 20 minutes to contact witnesses and two hours for them to get here, when we're talking about my life.

"I don't want the jury to guess

those people are lying. I want them to know they are. I just can't see a fair trial here. How can it be said that I'm getting a fair trial? I can't even get (the defense lawyers) to call the witnesses I want," he said.

"I know I didn't do this (crime)," Spence yelled. "And I know that you know it, too, Vic (Feazell)."

"What you're doing now is wasting time giving unsworn testimony. If you want to testify you certainly may," McDonald said.

Spence said that if he agreed to testify, prosecutors would be able to bring up his previous conviction for aggravated sexual abuse.

Spence declined to testify.

After Spence's outburst, Vance again renewed his request to remove himself from the case.

"Denied," McDonald said. "I may even give you a raise. You're doing a fine job."

The defense then rested its rebuttal case. Spence again requested a mistrial and permission to dismiss his lawyers. The request was denied again.