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Bite Marks Prove Indecisive In Spence Trial

WACO (AP) — The defense rested Monday in David Wayne Spence's capital murder trial after a dental expert testified that bite marks left on the victims of a triple slaying near Lake Waco were inconclusive.

Spence, 25, is charged in connection with the deaths of Jill Montgomery and Raylene Rice, 17, both from Waxahachie, and Kenneth Franks, 18, of Waco. Spence is being tried now only in Miss Montgomery's slaying.

After the prosecution declined to call any rebuttal witnesses, State District Judge George Allen ordered closing arguments to begin Tuesday morning.

Renewing their attack on the prosecution's evidence, Spence's lawyers called Gerald L. Vale, chief of forensic dentistry for Los Angeles County and director of dentistry for the

University of Southern California dental school.

"I feel that evidence in this case falls far short in determining that Mr. Spence is the one who left the marks," Vale said. "The evidence is inadequate to reach any significant conclusion."

Last week a forensic dental expert testified for the prosecution that he was able to match an impression of Spence's upper teeth with bites left on Miss Montgomery.

But Vale said he didn't think such a match could be made working from the available evidence, which included photographs of the victims.

"I would not exclude nor include Spence as a suspect based on the evidence in the photographs," he said.

Under cross examination, Vale said there were some similarities

between Spence's teeth and the bites on Miss Montgomery, but not enough to match them "with any degree of reliability."

The bodies of the three teen-agers were found in a park near Lake Waco on July 14, 1982. Authorities said they had been tortured, stabbed repeatedly and mutilated.

Prosecutors contend Spence was hired by Muneer Mohammad Deeb, also charged with capital murder, to kill his former girlfriend, Gayle Kelly. An insurance agent testified that Deeb had taken out an insurance policy on Miss Kelly and made himself

the beneficiary.

Miss Kelly testified that she knew about the policy but did not know Deeb was the beneficiary.

Prosecutors claim the killers mistook Miss Montgomery for Miss Kelly.

Two brothers, Gilbert Melendez, 29, and Anthony Melendez, 25, also were indicted last November on capital murder charges in the case.

The younger Melendez pleaded guilty to two counts of murder in the deaths of Miss Montgomery and Franks and was given two concurrent life prison terms.