

Death Row inmate awaits hearing

Deeb: conviction in lake murders is 'reversible case'

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CLEBURNE — There are more innocent people on Death Row than in any other section of the state prison system, and Muneer Mohammad Deeb is one of them, Deeb claimed Wednesday.

"That is probably why the cases of Death Row inmates have the highest percentage of reversals than anywhere else," Deeb said. "I am innocent. They know it and I know it. I definitely will get out of this because I have a reversible case."

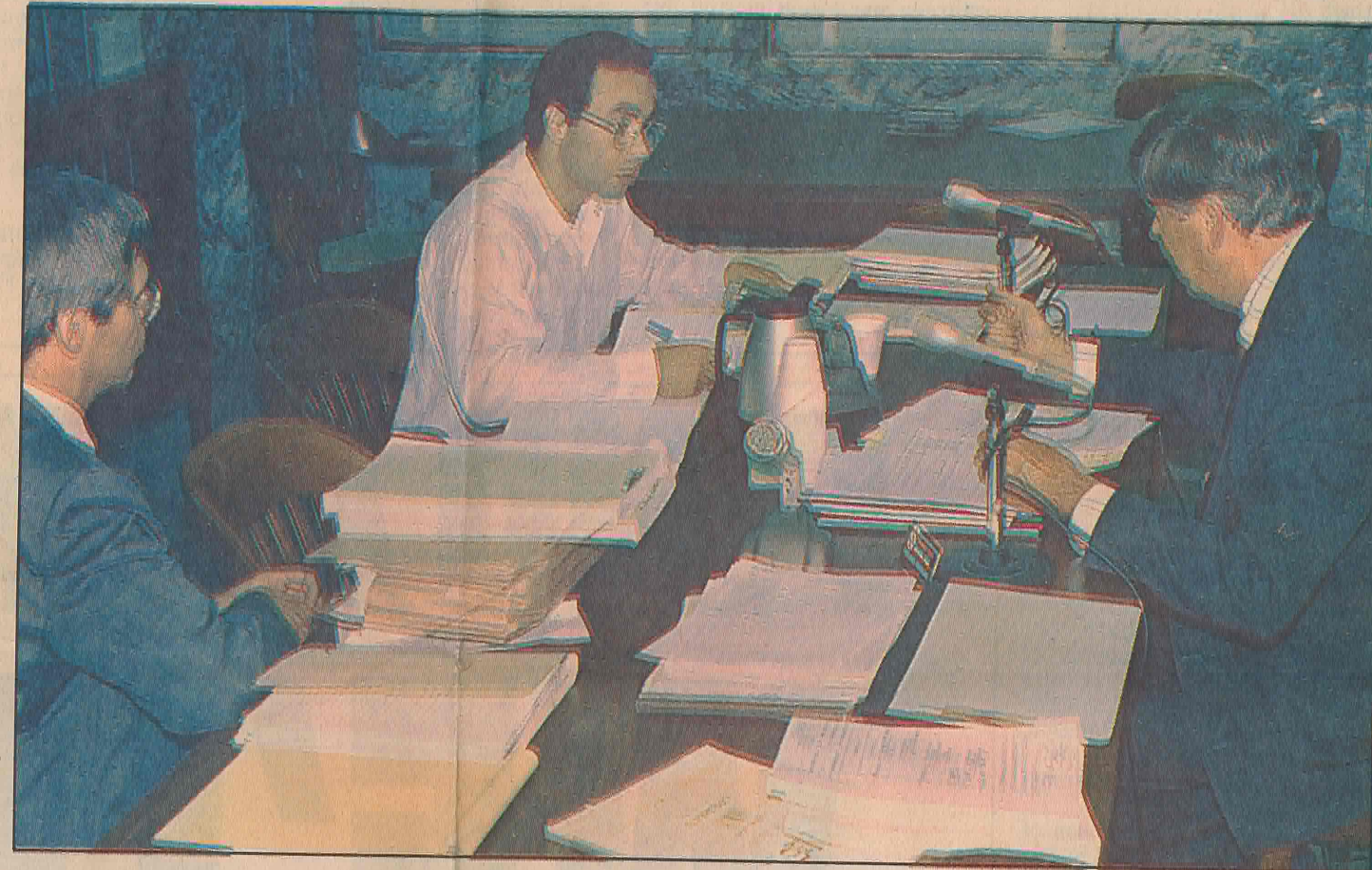
Deeb, 30, proclaimed his innocence while waiting for a prehearing conference to begin Wednesday in Judge John R. MacLean's court in Johnson County. Dressed in a white prison shirt, jeans and white Converse All-Stars basketball shoes, Deeb said he is confident the Court of Criminal Appeals will overturn his conviction and death sentence for his role in the July 1982 Lake Waco triple murders.

An appellate hearing ordered by the Court of Criminal Appeals scheduled to begin at 9 a.m. today in MacLean's court will play a role in whether the appeals court affirms or reverses Deeb's case.

On Wednesday, MacLean, Deeb, special prosecutor Andy Shuvalov of Austin and Assistant Attorney General Bill Zapalac laid the groundwork for how today's hearing will proceed. Deeb, who has rejected representation by court-appointed attorneys, is representing himself on his appeal.

Zapalac represents the state when appeals of death-penalty cases reach the federal level.

Among other issues, Deeb alleges that he should be awarded a new trial because he was denied his right to a speedy trial and because MacLean allowed a former prison inmate to testify about a conversation he had with Spence while both were jailed in which Spence confessed he killed



Muneer Mohammad Deeb (center) talks to prosecutor Andy Shuvalov (right) and Assistant Attorney General Bill Zapalac.

Staff photo — Tommy Witherspoon

the three. Deeb alleges the testimony should have been inadmissible at his trial because it constituted hearsay evidence.

MacLean sentenced the Jordanian national to death by injection in March 1985 after a 249th State District Court jury convicted him of capital murder in the slayings of Jill Montgomery, Raylene Rice and Kenneth Franks, whose bodies were found at Lake Waco.

Deeb's trial was moved from Waco to Cleburne because of publicity generated by the trial of Deeb's co-defendant, David Wayne Spence, whom a Waco jury convicted in 1984 and who also is on Death Row.

The Court of Criminal Appeals re-

turned Spence's and Deeb's cases to their trial courts in October and November, respectively, for hearings to include testimony which 54th State District Judge George Allen erroneously excluded from pretrial hearings in 1984.

Neither Spence's nor Deeb's convictions have been overturned, but the appeals court temporarily abated its review of the cases until the hearings are held and a transcript of the hearings forwarded to the Austin court.

Allen conducted a hearing in Spence's appeal Feb. 15.

Shuvalov also represented the state at Spence's hearing because District Attorney Paul Gartner excused his office from

the proceedings at the request of Nancy Wiser, Montgomery's mother, who thought that Gartner was not familiar enough with the cases.

Former District Attorney Vic Feazell and former Assistant District Attorney Ned Butler prosecuted Spence and Deeb. Both testified at Spence's hearing in February and are scheduled to testify in Cleburne today.

Also scheduled to testify are Truman Simons, the McLennan County sheriff's deputy credited with solving the case; Waco Police Chief Larry Scott; former Waco police Lt. Marvin Horton; and Willie Tompkins, an investigator in the district attorney's office.