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Spence defense starts attack

The Associated Press

Defense attorneys for capital murder defendant David Wayne Spence planned to resume their attack Monday on prosecution evidence in the slayings of three teen-agers near Lake Waco.

Court-appointed defense lawyer Hayes Fuller outlined Spence's case in his opening remarks last week.

"Quite simply stated, David is not the person who did the crime," Fuller said.

Spence, 25, is charged with capital murder in the deaths of Jill Montgomery and Raylene Rice, 17, both from Waxa-

hachie, and Kenneth Franks, 18, of Waco. He is being tried now only in Miss Montgomery's slaying.

Before the trial recessed Thursday, investigators were called back to the stand to discuss the hair found on terry cloth towels used to bind the victims.

The hair did not match samples from Spence, the other man accused in the case, or any of the victims, according to a laboratory analysis. The same tests also showed that hair found in Spence's car did not match any of the defendants or victims, investigators said.

A forensic dental specialist testified last week that bite marks found on Miss Montgomery's body matched Spence's teeth "in a reasonable degree of dental certainty."

Court was recessed late Thursday until Monday to allow lawyers to take prospective testimony in the judge's chambers on Friday.

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.

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.