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KARIM QASEM,

having been duly sworn to tell the truth, testified on his oath as follows, to-wit:

DIRECT EXAMINATION

BY MR. FEAZELL:

Q Will you state your name for the record, please?

A I'm Karim Qasem.

Q All right. Can everybody hear that okay, or is that too loud?

Will you spell that please, sir?

A K-A-R-I-M. And last name, Q-A-S-E-M.

Q All right. Do you mind if during this I call you Karim?

A No.

Q Now, Karim, the lady sitting right here between us is going to be writing down with that machine everything that you and I say. So it's necessary that when I ask a question, let me finish the question, and then you answer in words rather than head nods.

A Okay.

Q Okay. Good. Karim, is your wife's name Maria?

A Yes.

Q Okay. Do you know a man by the name Muneer Mohammed Deeb?

A Yes.

Q When did you meet Deeb?

A I met him May or June 1981.

1 Q I'm sorry. I couldn't understand you.

2 A I met him in May or June 1981.

3 Q Lean back just a little. You're going to break some ear
4 drums.

5 May or June of 81?

6 A '81.

7 Q How did you meet Mr. Deeb?

8 A Well, he was living across the street where I used to live.

9 Q Living across the street?

10 A Yes.

11 Q Okay. Did you and Deeb get to be friends?

12 A Yes.

13 Q Did you talk about going into business together?

14 A Yes. We did.

15 Q And did you later actually go into business together?

16 A Yes.

17 MR. FEAZELL: Your Honor could we have just a
18 moment to adjust that to get the echo out of it?

19 THE COURT: Yes, sir.

20 MR. FEAZELL: John Ben, will you take care of
21 that please, sir?

22 By Mr. Feazell:

23 Q Okay. I will continue with the questions, and he will try
24 to get that thing adjusted. All right?

25 A All right.

00600

1 Q Did you actually go into business together later?
2 A Yes. We did.
3 Q What kind of business did you go into, Karim?
4 A Well, we opened a convenience store.
5 Q A convenience store?
6 A Yes.
7 Q And what did you name the store?
8 A Rainbow Drive-in.
9 Q And where was the Rainbow Drive-in located?
10 A 1423 Herring.
11 Q 1423 Herring.
12 A Herring. Yeah.
13 Q Is that close to the Methodist Children's Home?
14 A Yes.
15 Q Did you have a lot of business from the Methodist
16 Children's Home?
17 A Yes. We did.
18 Q And during that time that you were working at the store
19 running the store -- well, let me ask you this: Was Deeb
20 your partner?
21 A Yes. He was.
22 Q And during that time Deeb was your partner, did you get to
23 know a girl -- or by "get to known," did you know who she
24 was -- by the name of Gayle Kelly?
25 A Yes.

00601

1 Q Was Gayle Kelly a girl from the Methodist Children's Home?
2 A Yes. She was.
3 Q How did Deeb react toward Gayle? How did he treat Gayle?
4 A He give --.
5 Q Sir?
6 A He give her special -- what you call it -- special treat.
7 Q Special treatment?
8 A Yeah.
9 Q What kind of special treatment are you personally aware of?
10 A She was given whatever what she want from him.
11 Q Whatever she wanted?
12 A From him. Yeah.
13 Q Okay. How about some of the other girls from the Methodist
14 Home?
15 A He knew almost all of her girl friends, but the one just
16 like Gayle to him.
17 Q Now, Karim I'm going to need for you to -- and I know
18 there is a difficulty because of the language difference --
19 I need for you try to enunciate and say each word separate
20 so the jury can understand. Okay?
21 A Okay.
22 Q Now what did you say about the other girls at the Methodist
23 Home?
24 A Muneer, he know all of them, you know, most of Gayle's
25 friends. But Gayle was special for him.

00662

1 Q He knew most of Gayle's friends is that what you said?
2 A Yes.
3 Q But Gayle was special for him?
4 A Gayle was special.
5 Q All right. Did you get to know -- let me see. Now, after
6 you and Deeb opened the store, ya'll hired a girl named
7 Christine Juhl; is that right?
8 A Yes, we did.
9 Q Did you know -- get to know David Spence through Christine
10 Juhl?
11 A Yes.
12 Q How did you get to know David Spence?
13 A Just after she started working for us at the store.
14 Q Okay. Did David start coming around?
15 A Yes. He was coming around many times to the store when she
16 work.
17 Q Okay. Were David and Christine like boyfriend and girl
18 friend, or --
19 A Yes.
20 Q Did they live together?
21 A By then they weren't living together, but I know she was
22 his girl friend.
23 Q Okay. Did David spend a pretty good bit of time at the
24 store -- spend a lot of time at the store?
25 A Yes.

00603

1 Q What did you think about that, Karim?
2 A Really, I don't like it.
3 Q How come? Why?
4 A He was, you know, looking -- he was there -- It was
5 business place, and the way he was looking that time with
6 his beard, you know, with his looking the way he dressed up
7 is not good for the business.
8 Q Afraid he was bad for business?
9 A For business, yeah.
10 Q About Gayle Kelly, tell the jury whether or not you know
11 anything concerning an insurance policy on Gayle Kelly. Do
12 you?
13 A Yes. Muneer bought an insurance policy for her.
14 Q Say that again.
15 A Muneer bought an insurance policy for her.
16 Q Muneer bought an insurance policy for her?
17 A Yeah. Yeah.
18 Q Were you there when the policy was bought?
19 A Yes.
20 Q Do you remember anything about the policy being bought?
21 A Yes.
22 Q What do you remember?
23 A I remember when Muneer bought it. I remember when Gayle
24 came and sign it from in the front. The salesman was Alex.
25 Q Okay. You remember Deeb buying it. Is that what you

00604

1 said?

2 A Yes.

3 Q Gayle signing it?

4 A Yes.

5 Q And the man's name was Alex?

6 A Yes.

7 Q Do you remember anything else?

8 A I remember how much the policy was.

9 Q Okay.

10 A What kind it is.

11 Q What kind of policy was it?

12 A It's a life insurance policy for 20 thousand dollars; and
13 in case of emergency, they pay 50 dollar a day for the
14 patient.

15 A Life.

16 Q 20 thousand?

17 A 20 thousand dollars.

18 Q And 50 dollars a day if you are in the hospital?

19 A Yes.

20 Q Okay. Let me ask -- You said David and -- Did David and
21 Deeb, did they become friends?

22 A Yes.

23 Q Good friends?

24 A Very good friends.

25 Q How do you know they were good friends?

00605

1 A Well, they spent many times, you know, after working; spend
2 some nights; they go some days with each other, you know.
3 Q Spent time together?
4 A Yes.
5 Q Nights you said?
6 A Sometimes they go out. Yeah. You know spend some time
7 after working.
8 Q Okay. Were you at the store at times -- were you ever at
9 the store when Deeb and David were at the store together?
10 A Yes.
11 Q All right. Did you ever hear Mohammed Deeb, Muneer, talk
12 about the insurance policy on Gayle to David?
13 A Yes.
14 Q To David?
15 A Yes.
16 Q Was he talking to David?
17 A Yes.
18 Q Okay. Did you hear this one time, or many times, or what?
19 A Many times.
20 Q Sir?
21 A Many times.
22 Q Many times. Karim, can you remember what it was that Deeb
23 said to David about Gayle and that insurance policy?
24 A Well, sometime he -- I heard, you know --.
25 Q I can't understand you.

00606

1 A Sometime I hear it from between them.

2 Q Sometimes you would hear talk between them?

3 A Yeah. Muneer ask sometime from David if he know somebody
4 can kill Gayle.

5 Q Somebody can what?

6 A Kill Gayle.

7 Q Kill Gayle?

8 A Yeah.

9 Q And Deeb said that to David?

10 A Yes.

11 Q What else did he say?

12 A Sometimes he said, "if you know somebody can get rid of
13 Gayle --

14 Q Do you know somebody who can get rid of Gayle. This is
15 Deeb talking to David Spence?

16 A Yes, sir. Sometime just say it like, "if you know somebody
17 can get rid of Gayle."

18 Q All right. Let me ask you this. Did you ever hear Deeb
19 tell David how much money the insurance would pay if Gayle
20 got killed?

21 A I never heard him say a certain amount of money, but like
22 make deal with him for share something about the money.
23 They share the money.

24 Q All right. Let me ask you this. Did you ever hear Deeb
25 say anything to David about how much the policy was for?

1 A Yes.

2 Q Okay. You did hear him say that?

3 A Yes.

4 Q Do you remember how much it was for?

5 A It was for 20 thousand dollars.

6 Q And did you hear Deeb tell David it was for 20 thousand
7 dollars?

8 A Yes.

9 Q Did you ever hear Deeb talking to David -- Karim, did you
10 ever hear Deeb make David any kind of offer of money to
11 kill Gayle, or find somebody to get rid of Gayle, or make
12 some kind of agreement? Did you ever hear him talk about
13 money?

14 A Yes. But not certain amount of money. All I hear, if they
15 can share the money, or maybe he give him some kind of
16 amount of money, but I don't know how much exactly.

17 Q So you did hear them talk about money?

18 A Yeah.

19 Q But no certain amount?


20 A No certain amount.

21 Q He said he would share the money?

22 A Yes.

23 Q Okay. Let me ask you this. When Deeb was saying this to
24 David, what did you hear David say back to Deeb?

25 A David just always, you know, agree with Muneer.

1 Q Always what?
2 A Agree with Muneer.
3 Q Agreed?
4 A Agree.
5 Q Greed or agreed?
6 A Agree with him.
7 Q Agreed with him?
8 A Yeah. He always said, "I could find somebody to do."
9 Q "I can find somebody to do it."
10 A Yes. 
11 Q To do what?
12 A The killing.
13 Q I can't understand?
14 A It is the killing, or get rid of Gayle.
15 Q To kill or get rid of Gayle?
16 A Yeah.
17 Q Now here's -- , Karim, if you were hearing Deeb talk to
18 David about that insurance policy, and you heard Deeb offer
19 to share that money with David if he could find somebody to
20 kill Gayle, why didn't you call the police?
21 A Muneer was very closely friend to me.
22 Q Muneer was what?
23 A Very closely friend to me.
24 Q Was a good friend?
25 A And he's my partner in the store, you know, and I never

1 thought he would be doing something like that.

2 Q You never thought he would do something like that?

3 A No.

4 Q So at the time you weren't really taking them serious?

5 A No.

6 Q Did you take them serious later?

7 A After I read what's going on.

8 Q Okay. Let me ask you this: The murders of the three kids

9 at the lake was on July the 13th.

10 A Yes.

11 Q The bodies were found on the 14th. After the murders, did

12 you ever hear Deeb talk to David, or talk about the murders

13 in front of David?

14 A Yes.

15 Q You did?

16 A Yes.

17 Q And tell the jury what you heard Deeb say to David Spence?

18 A He just said sometimes, you know, "I know Gayle was

19 supposed to be with them that night, but I don't know why

20 she wasn't." Something like that.

21 Q Say that again?

22 A He said Gayle that night supposed to be with them.

23 Q Gayle that night was supposed to be with them?

24 A Yeah. And he didn't know why she was not.

25 Q Didn't know why she was not?

225

1 A Yes.

2 Q Is this something Karim said to David once, twice, many
3 times? What?

4 A Many times.

5 Q Many times?

6 A Yes.

7 Q In front of you?

8 A Yes.

9 Q Whenever David and Deeb were talking like this -- Well, let
10 me -- whenever Deeb would say something like that to David,
11 what would David say about whenever he would say that Gayle
12 was supposed to have been there, but she wasn't? What
13 would David say, or what would he do?

14 A I don't really remember what he used to say about. I
15 remember he used to look like he kind of upset but about
16 that.

17 Q I couldn't understand you?

18 A I don't remember exactly what he usually say.

19 Q You don't remember exactly what he used to say?

20 A But he used to look like he was kind of upset.

21 Q He looked like he was upset?

22 A Uh-huh.

23 Q Upset or unhappy?

24 A Or unhappy.

25 Q Could he have been upset or unhappy just because three kids

Why didn't they object?

- 1 had gotten killed?
- 2 A I don't think for that three kids. I think because they
- 3 were talking about Gayle. It was going to be about Gayle.
- 4 Q Upset because Gayle wasn't there?
- 5 A Yes.
- 6 Q After the murders, Karim, and after the bodies were found,
- 7 did you ever hear Muneer say anything to David about the
- 8 insurance money?
- 9 A Yes.
- 10 Q And what did you hear him say?
- 11 A Tell him, "Well, if Gayle was that night with them --
- 12 Q If a girl, or Gayle?
- 13 A If Gayle.
- 14 Q Gayle. Okay.
- 15 A -- was with them that night, we would be rich now."
- 16 Q Say that again?
- 17 A "If Gayle was with them that night, we would be rich now."
- 18 Q "We would be rich now."?
- 19 A Yeah.
- 20 Q Do you remember hearing the words "we"?
- 21 A Yes. "We."
- 22 Q Who did Muneer mean when he said "we"?
- 23 A I guess him and David.
- 24 Q Him and David?
- 25 A Yeah.

1 Q Now, Karim, how do you know he meant him and David?

2 A He was talking to him.

3 Q All right. Okay. Are you sure he wasn't talking about you

4 and him, or the store and him?

5 A No. Because I was working that time. I was working that

6 time.

7 Q Okay. You were working; you weren't in on the

8 conversation?

9 A No. I was not in conversation with them.

10 Q But were you close enough to hear it good?

11 A Yes.

12 Q And I believe you said this was said many times?

13 A Yes, many times.

14 Q So, then, what you heard him say, "if Gayle had been,

15 there, we would be rich."?

16 A Yes.

17 Q And he was talking to David?

18 A Yes.

19 Q Karim, about one month after the murders, did anything

20 unusual happen to you that involved David Spence?

21 A Yes.

22 Q Tell the jury what that was.

23 A Well, one morning he came to the store, and he was very,

24 mad very angry.

25 Q He came to the store mad and angry?

1 A Yeah. Mad and angry.
2 Q Who was at the store?
3 A I was at the store.
4 Q Just you?
5 A Just me.
6 Q And what happened?
7 A He came in, and he asked me if I, you know, -- soon as I
8 saw him like that, I asked him what happened, you know.
9 He told me, "Did you hear the news?" I told him, "no."
10 Q You asked him what was happening, and he asked you did you
11 hear the news; and you said no?
12 A I said no.
13 Q What did he say then?
14 A He said, "Muneer kill Gayle."
15 Q Muneer did what?
16 A Killed Gayle.
17 Q Gayle?
18 A Yes.
19 Q Okay. What else did he say?
20 A And he showed to me the paper.
21 Q The paper?
22 A Yeah.
23 Q What paper?
24 A The Waco Tribune.
25 Q Talking about the newspaper?

1 A The newspaper. Yeah. And I asked him why Muneer would do
2 something like that. He told me to get the money.
3 Q Wait a minute. I'm having trouble understanding you.
4 A Okay.
5 Q David came in mad?
6 A Yes.
7 Q Let's wait just a minute. Asked you if you had heard the
8 news?
9 A Yes.
10 Q What did David say?
11 A He had told, "Well, Muneer killed Gayle."
12 Q Muneer killed Gayle. And is that when he showed you the
13 newspaper?
14 A Then showed me the newspaper.
15 Q What did he show you in the newspaper?
16 A A girl named Gayle -- I don't know what her last name was
17 -- she got killed somewhere.
18 Q At that time, Karim, did you know what Gayle Kelly's last
19 name was?
20 A Not at that time.
21 Q Okay. What else did he say to you?
22 A Well, I asked him why Muneer do it. He told me to get the
23 money.
24 Q Why would you ask him why would Muneer do it?
25 A Yeah. I asked him why would Muneer do this.

1 Q Just a second. I want to make sure I got it correct. Why
2 would Muneer do it?

3 A Yes.

4 Q Then what did David tell you?

5 A Told me to get the money from the insurance.

6 Q To get the money from the insurance?

7 A Yes.

8 Q Did he say anything else?

9 A He told me he going get him for it.

10 Q Said he was going to get him for it? Get who?

11 A Get Muneer.

12 Q Get Muneer. Now, you said awhile ago that when he came in
13 that he was mad.

14 A Yes.

15 Q How do you know he was mad?

16 A The way he was acting and looking, you know, I know when he
17 look at me.

18 Q Okay. The way he was acting and looking, and the way he
19 looked at you?

20 A Yeah.

21 Q How did he look at you?

22 A He just look meanness. His eyes, you know, looked mean,
23 the way he was looking at me.

24 Q Do you mean his eyes looked mean?

25 A To me that day, yes.

1 Q That day they looked real mean?
2 A Yes. He pound on table.
3 Q He was doing what?
4 A Banging the table.
5 Q Banging the table?
6 A Yeah. I was a little scared because of the way he was
7 acting.
8 Q Slow down because I'm having trouble understanding you.
9 Banging the table, and you said you were --
10 A I was scared from him.
11 Q Okay. I'm sorry one more time.
12 A I was scared from him.
13 Q Scared?
14 A Yeah.
15 Q You were scared. Karim, is it at all possible that when
16 you saw David that morning that David was scared?
17 A No way he could be scared.
18 Q No way?
19 A No way.
20 Q What did he do after he showed you the newspaper and told
21 you about Muneer killing Gayle for the insurance money?
22 A He just left.
23 Q Left easily, or did he storm out, or what?
24 A Just go fast when somebody's mad. He got what he wanted
25 and he kept going.

1 Q Walked out fast?

2 A Yeah.

3 Q Did you see Muneer later that day?

4 A Yes.

5 Q Did you have an occasion -- did you let Muneer know what
6 had happened?

7 A Yes.

8 Q And what -- Don't tell me what Muneer said, but tell me
9 what Muneer did.

10 A He looked at the paper.

11 Q He looked at the paper.

12 A Yeah. And he went straight to David.

13 Q He went straight to David. How did he go straight to
14 David?

15 A He went right away where David work at.

16 Q Went to where David was working, which was Burke's Aluminum
17 behind the store?

18 A Yes.

19 Q Did he stay over there very long?

20 A No. Not that long.

21 Q Okay. Did he come back to the store?

22 A Yes.

23 Q Let me ask you this. Tell the jury, Karim, if you know,
24 after this incident between you and David and then David
25 walking out fast and going over to Burke's Aluminum to

1 work, and then Muneer going over to see David, after that
2 incident, what was the relationship like between Deeb and
3 David after that day?
4 A Just become friends again. Normal friends.
5 Q They were normal friends again?
6 A Yes.
7 Q They didn't hate each other or anything that you could
8 tell?
9 A No.
10 Q When did they get to be friends again?
11 A Right after he see David.
12 Q Right after Muneer went to see David?
13 A Yes.
14 Q That day?
15 A Same day.
16 Q Okay. Karim, after that incident, when did you see David
17 Spence the next time?
18 A The same lunchtime, the same day.
19 Q At lunchtime that day. You mean he came to your store --
20 your and Deeb's store -- for lunch?
21 A Yes.
22 Q After coming in being all mad at you and Deeb that morning?
23 A Yes.
24 Q And ate lunch there?
25 A Yes.

1 Q Was Deeb there at lunch?

2 A I don't know. I don't remember. I think he was. Yeah.

3 Q Okay. But did you see Deeb and David together later that
4 day or the next day?

5 A Yes. They were just normal friends again.

6 Q Just normal friends again.

7 MR. FEAZELL: Pass the witness, Judge.

8 -----

9 *Russ Hunt* CROSS-EXAMINATION

10 By Mr. Hunt:

11 Q Karim, I've got more than a few questions, so bear with me.
12 Okay?

13 A Okay.

14 Q You and I have not talked before. I'm Russell Hunt, and I
15 am one of the attorneys that represents David. I want to
16 go over several things that you said.

17 First thing, let's start with the incident at the store.
18 On approximately August the 14th, which probably would have
19 been about a Thursday or Friday, David came in the store,
20 and David was extremely mad; is that correct?

21 A Yes.

22 Q Okay. At that time David accused Deeb not only of killing
23 Gayle, but he also accused Deeb of being responsible for
24 the lake murders, didn't he? ?

25 A I don't remember exactly about that. I remember about

CROSS- X

- 1 Gayle. That's what he said exactly.
- 2 Q Okay. You're not sure if he said anything about the lake
- 3 murders?
- 4 A I don't remember.
- 5 Q Okay. You don't remember. Did he also accuse you of being
- 6 involved?
- 7 A No.
- 8 Q Just Deeb?
- 9 A Just Deeb.
- 10 Q Okay. Hollered at you for some time; is that correct?
- 11 A Yeah.
- 12 Q Okay. Then he went next door to Burke's Aluminum?
- 13 A Yes.
- 14 Q Okay. When Deeb came in that morning -- sometime probably
- 15 later than that -- probably around 10:00?
- 16 A Yeah.
- 17 Q -- did you tell Deeb what David had said?
- 18 A Exactly.
- 19 Q Okay. Did David take the newspaper with him, or did he
- 20 leave it with you?
- 21 A He left it. It was in the store.
- 22 Q Did you show that to Deeb so Deeb knew what the newspaper
- 23 said?
- 24 A Yes.
- 25 Q Then did Deeb go next door to Burke's Aluminum to confront

1 David?

2 A Yeah.

3 Q Of course you weren't there when Muneer and David had a
4 hollering match in front of Ray and Charlie, right?

5 A No.

6 Q Did you later talk to Muneer about it and find out that in
7 fact David had accused Muneer of the death of both Gayle
8 Kelly and the lake murders in front of Ray and Charlie at
9 Burke's Aluminum?

10 A He didn't say nothing.

11 Q Didn't you tell you what they had fought about over there?

12 A No. What he told me, just about Gayle.

13 Q Now, did Deeb say anything to you about it being Gayle Beth
14 Bramlett who was mentioned in the newspaper and not Gayle
15 Kelly, or did he say that?

16 A Muneer, he said that's not Gayle Kelly.

17 Q He had it's not Gayle Kelly?

18 A It's not Gayle, the one we know. Her name is Gayle.

19 Q So David came in accusing Deeb of having killed Gayle
20 Kelly; but it wasn't Gayle after all, but Gayle Beth
21 Bramlett, a girl whose body was found in Axtell?

22 A That's right.

23 Q Okay. David was extremely mad when he came in; is that
24 correct?

25 A He was mad.

1 Q Hollering and yelling about what he was going to do to
2 Deeb?

3 A He didn't say what he do to him. He said, "I'm going to
4 get him for it," and that's all he told me.

5 Q Going to get him for it?

6 A That's right.

7 Q Okay. Let's go back a little background. At the time
8 right around the time of the lake murders -- Let's say the
9 middle of July of 1982 -- you said that Muneer had a
10 special feeling for Gayle Kelly; is that correct?

11 A That's right.

12 Q And I understand she did not return that special feeling?

13 A That's right.

14 Q Okay. Muneer also had a relationship with Kabina Reed,
15 didn't he?

16 A Yes.

17 Q How would you describe that relationship?

18 A Well, Muneer just like to have lot of women. That just the
19 kind of person he is. He liked a lot of women.

20 Q Muneer liked a lot of women?

21 A Yes.

22 Q Would it be safe to say that both Kabina Reed and Gayle
23 Kelly were special to Muneer?

24 A I know he was in love with Kabina, but I don't know if he
25 was in love with Gayle.

1 Q Okay. So, if anything, he loved Kabina Reed more than
2 Gayle Kelly; is that a fair statement?

3 A I don't know.

4 Q I'm not trying to put words in your mouth. The jury needs
5 to know what we're talking about.

6 A I know. But I don't know, really, in his sight.

7 Q How did it look to you. That's all I'm asking.

8 A I mean, Kabina, she don't want him. So he might be trying
9 get Gayle to be friend with him to be his girl friend.

10 THE COURT: Can ya'll understand all right?

11 Okay.

12 By Mr. Hunt:

13 Q Okay. Let's talk a little bit about the insurance. Were
14 you there when Muneer talked to Alex Sanchez about
15 insurance policies?

16 A Yes.

17 Q Did Muneer just take out a policy on Gayle Kelly, or did he
18 take out policies on the business and the contents and
19 several other things?

20 A Just for her. I didn't see nothing about business.

21 Q He didn't say anything about the business?

22 A No.

23 Q Okay. Is it possible that Muneer might have talked to Alex
24 Sanchez on more than one occasion?

25 A I don't know.

1 Q You don't know?

2 A No.

3 Q Best person to answer that would be Alex Sanchez, I guess?

4 A I guess so.

5 Q Okay. Were you there the first time that Muneer talked to

6 Alex Sanchez about insurance on Gayle Kelly?

7 A Yes.

8 Q Okay. Can you describe how the conversation came up? For

9 instance, do you know if Muneer called up Alex Sanchez and

10 said, "Alex come on over here. I want to get insurance on

11 Gayle Kelly."?

12 A No.

13 Q How did it happen?

14 A He just -- Alex used to come to the store almost every

15 week. He walk by sometime and get a cup of coffee or

16 something.

17 Q I need to stop you because I'm having difficulty

18 understanding. Alex came by the store -- Alex Sancez, the

19 insurance agent, came by store every week?

20 A Almost every week.

21 Q For what purpose?

22 A We just just like friends, you know.

23 Q He was friends of who?

24 A Well, check how we doing.

25 Q So he would frequently come by and talk to you, talk to

1 Muneer. There wasn't anything unusual about him coming by
2 on a weekly basis?

3 A No.

4 Q Tell me how it happened that the policy of insurance was
5 taken out on Gayle Kelly?

6 A Well, after I bought my insurance for me and my wife.

7 Q You bought insurance from Alex for you and your wife?

8 A Me and my wife. Then he said he come buy that one for him,
9 and he bought his. And by the same time he got idea for
10 him to buy it for Gayle. *

11 Q Let me stop you right there. Muneer bought insurance for
12 himself, and then all of a sudden it came to him an idea
13 that he should buy insurance for himself and Gayle?

14 A And Gayle.

15 Q Can you give me an approximate date? Do you remember what
16 the date was that that happened?

17 A I don't remember.

18 Q Okay. Was Gayle in the store when that happened?

19 A Not the first time when he bought the insurance.

20 Q When he first bought the insurance for Gayle, she was not
21 in the store?

22 A No.

23 Q Do you remember what he told -- first of all, when that
24 happened, were Muneer and Gayle getting along pretty well?
25 Was that close to the time, for instance, that Muneer

1 rented an apartment for her?

2 A Yes.

3 Q So at that time they were getting along pretty well?

4 A Yes.

5 Q Do you remember what he told Alex Sanchez about the

6 relationship between the two of them?

7 A Told him she's his girl friend.

8 Q He told Alex to the best of your knowledge that was his

9 girl friend?

10 A Yeah. His girl friend.

11 Q Okay. I assume that Muneer paid for the policy; is that

12 right?

13 A That's right.

14 Q Do you know how much he paid for it?

15 A I believe it was ten or 20 dollars. Something like that.

16 Q Ten or 20 dollars. It must have been -- do you know enough

17 about insurance to know whether it was a term policy?

18 A I don't know.

19 Q Best person to answer that, I guess, would be Alex Sanchez;

20 is that correct?

21 A I guess so.

22 Q Do you remember at that occasion whether or not Lucky

23 bought any insurance, any more insurance, for anything

24 else; or was it just on himself and on Gayle Kelly?

25 A His car.

1 Q His car?

2 A Yes.

3 Q Okay. Anything else that he bought insurance for?

4 A I don't know.

5 Q Okay. We talked a little bit before. You talked with Vic

6 about the fact that Muneer liked to buy things for

7 different girls. Muneer did that a lot for girls, didn't

8 he?

9 A Yes.

10 Q It was not uncommon at all for Muneer to buy gifts for any

11 number of different girls?

12 A Not any girl.

13 Q I'm sorry?

14 A He didn't buy anything for any girl.

15 Q Okay. What would a girl have to do in order to get Muneer

16 to buy her something?

17 A Try to get maybe her buddy.

18 Q Okay. You said that you overheard Muneer several times

19 make an offer to David -- ask David if he knew where David

20 could get Gayle Kelly killed, or if he would -- I assume

21 -- did he say, "David, would you kill Gayle Kelly?" Did he

22 ever say that?

23 A No.

24 Q Just --

25 A Not directly just like that. He said, "if you know."

1 Q "If you know somebody that would do it"?

2 A Yeah.

3 Q You were never upset about that, because you didn't think
4 he was serious; is that correct?

5 A Never did take it serious.

6 Q There wasn't any reason why David should take him serious?

7 A He was a friend to him.

8 Q They were friends too.

9 A Yeah.

10 Q So neither you nor David took him serious to the best of
11 your knowledge; is that correct?

12 A That's right.

13 Q It was more or less a joke. It might have been a bad joke,
14 but it was a joke; is that correct?

15 A That's what I took it.

16 Q Both of you took it as a joke?

17 A Yes.

18 MR. FEAZELL: Object, Your Honor. He's asking
19 for the witness to speculate what was in the mind of David.

20 Spence at the time.

21 By Mr. Hunt:

22 Q Is it fair to say so that the jury understands completely,
23 you took it as a joke; is that correct?

24 A I took it as a joke. But I don't know about David, if he
25 took it like a joke.

1 Q Certainly. As Vic said, you can't look into David's mind.
2 But you took it as a joke; is that right?
3 A That's right.
4 Q Were there other people around when that was talked about?
5 For instance, was Christine around when that was talked
6 about?
7 A Maybe Christine was around, but I don't remember.
8 Q Might have somebody else have been around?
9 A Maybe.
10 Q So it wasn't any kind of big secret, was it? I mean, they
11 didn't get off in a corner. Muneer didn't whisper in
12 David's ear, "I want you to kill somebody. Can you find
13 somebody to do it?" He didn't do that, did he?
14 A I don't know.
15 Q Obviously, they couldn't?
16 A I heard it because he was maybe closer to me more than
17 anybody.
18 Q Okay. So he was actually closer to you than he was to
19 David when he said it?
20 A Because he know I'm trust Muneer, and I'm not going to take
21 it serious or believe Muneer is going to do what they
22 thought.
23 Q At that time you wouldn't believe Muneer would have
24 anything to do with killing anybody, would you?
25 A No.

1 Q Okay. I think Maria said that she left for Mexico on July
2 the 13th; is that correct?
3 A That's right.
4 Q Okay. Do you remember how she got there? Did she drive?
5 Fly? How?
6 A She went on the bus.
7 Q Okay. The bus. Did she leave in the morning or afternoon?
8 A Morning.
9 Q Why did Maria go to Nuevo Laredo? Is she from from Nuevo
10 Laredo?
11 A She just visits.
12 Q Friends down there?
13 A Yes. Her mother.
14 Q Okay. On July the 13th of 1982, do you remember if you
15 were working at the Rainbow?
16 A Yes. I was.
17 Q Okay. Was Christy working at the Rainbow?
18 A She did.
19 Q How late did Christy work on July the 13th?
20 A She work at that time.
21 Q I'm sorry?
22 A She work in the daytime.
23 Q She worked until when?
24 A Until afternoon.
25 Q Till afternoon?

1 A Yeah.

2 Q Do you remember what Christy did around noon on the 13th?

3 A No.

4 Q Okay. She just left and went home?

5 A Something like that. Yeah.

6 Q Do you remember whether or not David was with them?

7 A He was with Maria.

8 Q I'm sorry.

9 A He left with her.

10 Q He left with her on July 13th, 1982?

11 A Yes.

12 Q Do you remember how late Muneer worked on July 13th?

13 A Yeah. Me and him close down the store together.

14 Q The two of you closed down the store together. What did

15 you do after you closed down the store together?

16 A Went to club.

17 Q What club?

18 A Kelly's.

19 Q Kelly's?

20 A Yes.

21 Q How long did you and Muneer stay at Kelly's on that night?

22 A Maybe five -- ten minutes.

23 Q Okay. Then where did you go?

24 A Went to Peach Tree Club.

25 Q Peach Tree?

1 A Yeah.

2 Q How long did you stay at the Peach Tree?

3 A We just went inside and came back out.

4 Q Okay. Then where did you go?

5 A Went to cruise the cars around the Valley Mills Drive.

6 Q You went to cruise in your car on Valley Mills Drive. Did

7 you ever go to Koehne Park?

8 A No.

9 Q Okay. How long did you cruise Valleys Mills?

10 A I don't know.

11 Q Okay. Where did you go after that?

12 A Went back to the apartment.

13 Q Okay. What apartment?

14 A My apartment. We used to live together.

15 Q Where was that?

16 A La Chateau Apartments.

17 Q La Chateau. Okay. How long did ya'll stay at La Chateau?

18 A Maybe a few moments.

19 Q Few minutes?

20 A That apartment that night.

21 Q Uh-huh. After you got there --

22 A The rest of the night I stayed there, went to bed.

23 Q Ya'll stayed there until you went to bed?

24 A Uh-huh.

25 Q Did Maria call you from Nuevo Laredo that night?

1 A Yes.

2 Q She called from Nuevo Laredo to the apartment.

3 A That's right.

4 Q Did she talk to you?

5 A Me and Muneer.

6 Q She talked to Muneer too?

7 A Yes.

8 Q So both of you were there in that apartment that night on
9 July 13, 1982?

10 A That's right.

11 Q Did Muneer act in any way at all unusual that night? Was
12 he acting nervous? Was he acting upset? Was he acting at
13 all unusual?

14 A Just normal.

15 Q Just normal. Okay. Did you stay in the apartment until
16 sometime the next morning?

17 A That's right.

18 Q Okay. Until when the next morning?

19 A I don't know. I believe one of us was to open in the
20 morning, but I don't know if it was me or him.

21 Q Okay. But ya'll stayed there until around 6:30 or 7:00
22 when the store opened?

23 A 7:00 in the morning we open.

24 Q Then do you remember whether you opened the store or
25 whether Muneer opened the store?

1 A I can't remember.

2 Q Can't remember who opened the store?

3 A Yeah.

4 Q But either way, ya'll both stayed there until 7:00 in the
5 morning?

6 A That what I know.

7 Q At any time that evening did either of you leave the
8 apartment to go out for a drive for instance over to
9 Speegleville?

10 A After I went to bed, I don't know if he wake up or not.

11 Q You were asleep?

12 A Yeah.

13 Q Okay. Do you remember what time Maria called from Nuevo
14 Laredo?

15 A Sometime maybe about 1:00 something.

16 Q About 1:00?

17 A Yeah. Something like that.

18 Q Okay. Did Muneer act any strange at all when that call
19 came through?

20 A No.

21 Q The next day did Muneer act at all strange about anything
22 that was going on?

23 A I don't know nothing.

24 Q Just acted normal?

25 A Normal.

1 Q Did you see David that next day, do you remember?
2 A Did I see him at work? Yes. Sure I did.
3 Q I'm sorry?
4 A I think I did, but I don't remember.
5 Q You're not sure if you did or not. Well, do you remember
6 if David came in that morning and about 7 or 7:30 with some
7 other fellows in a pick-up to get some beer?
8 A In a -- Yeah, he came to take beer.
9 Q I'm talking about probably a case of beer. Do you remember
10 that?
11 A That's right, yes.
12 Q Did you talk to David at all then?
13 A I might did.
14 Q Do you remember?
15 A But not exactly what we talk.
16 Q Did he act at all unusual?
17 A No. But when he want a drink --
18 Q He wanted a drink, which was not unusual for David at that
19 time?
20 A It's usual for him to drink always.
21 Q It was usual for David to drink always at that time. Okay.
22 Now, you said that Gayle Kelly came to the store a lot; is
23 that correct?
24 A That's right.
25 Q So you would know Gayle Kelly by sight because she was

1 there a lot?

2 A Yes, sir.

3 Q David would also know Gayle Kelly by sight, because he was
4 there a lot; is that correct?

5 A That's right.

6 Q So David wouldn't have any trouble identifying Gayle Kelly,
7 would he?

8 A No way.

9 Q Because he knew what she looked like?

10 A From what I know.

11 Q Do you remember when David and Christy broke up? David was
12 very upset. Do you remember that?

13 A Yeah. I know.

14 Q Okay. Do you remember approximately when that was?
15 Sometime early part of August, perhaps?

16 A Yes. Something like that. It was in August.

17 Q Do you remember what David was doing? Did David take that
18 very hard, and was David crying about that?

19 A Yes. He was.

20 Q Very, very upset?

21 A Yes.

22 Q In fact, as she drove off in the car, David chased after
23 the car crying and asking her to come back?

24 A That's right.

25 Q David was very upset about Christy leaving?

1 A Very.

2 Q That was right around sometime in the first part of August?

3 A That's right.

4 Q Then sometime after that, Christy married somebody else; is

5 that correct?

6 A That's right.

7 Q She married Mahair?

8 A Yeah.

9 Q Do you remember approximately when Christy married Mahair?

10 A No. We weren't too good friends.

11 Q You weren't very close friends with Mahair?

12 Q Would it be safe to say it was sometime in the first half

13 of August of 1982?

14 A That's right. Somewhere around there.

15 Q Shortly after she and David broke up?

16 A That's right.

17 Q And I think your testimony was you don't know whether David

18 and Christy were living together at that time; is that

19 correct?

20 A When she stop working. That's right.

21 Q Were you aware that they were living together at any time?

22 A Yes.

23 Q Okay. Where were they living together? Do you remember?

24 A In June and July.

25 Q In June and July.

1 A Yeah. They were living together.

2 Q Now, did they live together in that little shack behind
3 the Rainbow?

4 A That's right.

5 Q Do you remember about how long they lived together in that
6 shack?

7 A I don't know really, but it was not long time.

8 Q Not a very long time?

9 A Not long.

10 Q Shortly after that they moved into the apartment that,
11 Muneer had rented to Gayle Kelly; is that right?

12 A That's right.

13 Q And were you present when Christy asked Muneer if they
14 could move into that apartment?

15 A I don't remember.

16 Q Okay. Were you present when Muneer told Christy that they
17 could when David got a full-time job?

18 A No.

19 Q Okay. Do you remember when it was David started working
20 full-time at Burke's Aluminum, which is next door to the
21 Rainbow?

22 A I don't remember exactly the day.

23 Q Sometime toward the end of July?

24 A Yeah. Something like that.

25 MR. HUNT: We'll pass the witness, Your Honor.

1 THE COURT: All right.

2 -----
3 REDIRECT EXAMINATION

4 BY MR. FEAZELL:

5 Q Karim, you were talking about Deeb spending money on the
6 girls, and you were asked what would a girl have to do to
7 get Deeb to spend money on her. Pretty much just to ask;
8 is that right?

9 A Yeah.

10 Q Did Deeb spend a lot of money on all girls?

11 A Yes. He did.

12 Q Did he spend a lot of money on Gayle?

13 A I don't know if he bought her something for her, but I
14 know he did, you know, buy what she want.

15 Q Did he spend a lot of money on -- What was her name? --
16 Kabina?

17 A Yes, he did.

18 Q Spent a whole lot of money on Kabina?

19 A A lot of money.

20 Q And a lot of money on some of the other girls?

21 A For sure.

22 Q Was Deeb's financial situation starting to get bad?

23 A Yes.

24 Q Was he broke?

25 A Almost.

1 Q Was he getting any money from home?
2 A No.
3 Q Do you know why?
4 A His daddy wouldn't send him none.
5 Q His daddy wouldn't send him any, huh?
6 A No.
7 Q Would you say that -- is it fair to say that Deeb needed
8 money?
9 A Yes.
10 Q Now, awhile ago Mr. Hunt asked you a question something
11 about, and your answer was Muneer was closer to you than to
12 David when he said some of that stuff.
13 Were you talking about closer to each other in the store,
14 or talking about closer from relationship?
15 A In the store.
16 Q Huh?
17 A In the store.
18 Q So he would say it across the store?
19 A Yeah. Maybe behind the counter on my side or something.
20 Q Can you think of anybody that they talked like that in
21 front of besides you?
22 A No.
23 Q There wasn't anybody?
24 A No. Maybe Christine, but I don't remember.
25 Q Except maybe Christy, David's --

1 A Yeah.

2 Q -- girl friend?

3 A Yeah.

4 Q And you were asked the question by Mr. Hunt -- let me see
5 if I got it right. He asked you -- He said David knew
6 exactly what Gayle looked like. I believe your answer was,
7 "as far as I know." Is that your answer?

8 A Yeah.

9 Q So you're not sure whether he knew what she looked like on
10 July 13th or not?

11 A No.

12 Q Okay.

13 MR. FEAZELL: That's all, Judge.

14 MR. HUNT: I think that's all the question we've
15 got, Your Honor.

16 THE COURT: May this witness be excused?

17 MR. HUNT: No. We're going to have some
18 questions later.

19 THE COURT: All right. Karim, you may step down.
20 And if you will keep the District Attorney advised where
21 you are. I'm not excusing from the subpoena that you are
22 under. You'll still have to make yourself available, but
23 let them know so they can contact you, and if it's
24 necessary for you to come back here to give further
25 testimony.