

COPY

Statement Form. Warning by Magistrate.

VOLUNTARY STATEMENT OF ANTHONY MELENDEZ

I, ANTHONY MELENDEZ, after having been first duly warned by Judge Joe Johnson (Magistrate) Justice of the Peace (Title) of McLennan County, Texas, at 5:04 o'clock, P M., at McLennan County Courthouse, Waco, Texas (Place of Warning) on the 12th day of June, 19 84, of

the accusation against me in clear language and of the affidavit, if any, filed in support of such accusation;

- (1) I have the right to retain counsel;
(2) I have the right to remain silent and not say anything;
(3) I have the right to have an attorney present during any interview with peace officers or attorneys representing the State;
(4) I have the right to terminate the interview at any time;
(5) I have the right to request the appointment of counsel if I am indigent and cannot afford counsel;
(6) I have the right to an examining trial;
(7) I am not required to make any statement and that any statement made by me may be used against me.

I understand my rights as set out in this warning and knowing what they are I freely and voluntarily, without being forced or compelled by promises, threats, or persuasion, waive these rights and make the following statement in writing to Deputy Sheriff Truman Simons

My name is ANTHONY MELENDEZ

I am an inmate in the McLennan County Jail, Waco, Texas.

On July 13, 1982, I went to work at 7:00 A.M. at the Pecan Grove Apartments in Bryan, Texas. I got off work about noon and messed around until about 2:00 P.M. - 3:00 P.M.

I rode back to Waco with Perry Serita. We went to Perry's house, then went by and saw a dude named Billy Neighbors. I bought some drugs (sets) from him. I believe Billy lives on McFerrin. After leaving, I took the drugs and went to the Armadillo Lounge. I stayed there a short while and then went to Gilbert's house. He was moving into a small apartment close to the Piggly Wiggly Store on Lyle that was owned by his boss. Nobody was there, so I walked to the 7-11 Store at 18th and Lyle and bought a 6-pack of Budweiser. When I walked back to the apartment, Gilbert and David drove up in Spence's car, an older model Chevrolet. They asked if I wanted to go to the lake party. I said OK and got in the car. We went out Hillcrest Drive to Lake Air, south to Cobbs, then west on Cobbs to Valley Mills Drive. We stopped at the Hilltop Grocery Store and Spence and Gilbert went inside and bought more beer.

We then drove down to 0-6 park. We turned to the left and drove to the circle, then back across to the other side. When we passed the parking lot at the top where the Flag Pole is, I remember seeing a car and a pickup parked there at the top. The driver was leaning out of the window and it looked like he was talking to the people in the car. We drove on down toward the bottom of the hill. There were a few cars parked halfway down the hill and a few more were parked at the very bottom. We parked about halfway between where the two sets of cars were and got out. We were about one hundred yards from the bottom.

WITNESS Joe N. Johnson

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I sat on the hood of the car and leaned back against the windshield. David and Gilbert stood there beside the car for a while and we talked about what kind of work I was doing in Bryan. David said something about somebody that should be down there in the park. I asked who; and if there would be some chicks. Gilbert said yeah, there would probably be some dude with them. Gilbert said they were pretty good looking, that he had only seen them once. David and Gilbert walked down to the bottom of the hill and I walked over and started watching some chicks that were swimming.

I heard some one say "There they are." I looked around and saw David and Gilbert standing by the front of the car. A small car was passing by. A blonde chick was driving. They drove to the bottom of the hill and turned around and started backing up. Spence stepped out in front of the car and stopped them. I saw that the car was a Ford Pinto, I do not remember the color. The blonde chick was driving and there was a dude on the passenger side and a dark-haired girl in the back.

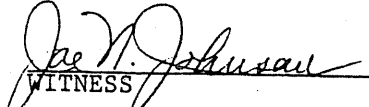
David stood on the passenger side and talked to them for a while. They got out of the car and smoked a joint. I was sitting on the hood of David's car and the blonde walked over and started talking to me. I asked her if she lived here in Waco, and she said she was visiting some friends. I asked her if the dude was her old man, and she said he was just a friend.

I was asked to describe the blonde and I remember her as having blonde hair about shoulder length, parted in the middle. She had on a lot of makeup around her eyes. I remember that she had on a tube top with thin straps over the shoulders and it seem's like she had on shorts. I think cut-off jeans.

Gilbert came over and said we were going to go around to the circle and party. We got in David's car and drove to the circle. We were in front of the tree. They followed. When we got to the circle, we parked in front of the dumpster and the three people pulled around in front of us and parked by a park bench. We all got out and went over and sat on the park bench. It was late in the evening, and the sun had gone down, but it was still light.

David and Gilbert were talking to the people and I layed back on the table and was nodding out, but it was still light. The only thing I remember about the conversation was David asking the dude if he still had his bike. I remember him saying he still had it, but had left it some where either like his mom's or the shop.

I went to sleep and woke up when I heard one of the chicks say something. It was like she was arguing. I rolled over and saw David off in the woods with the dark-haired chick, and Gilbert was off in the woods to the right with the Blonde. I saw the dude

  
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ANTHONY MELENDEZ

standing in the middle in front of a tree. I walked closer and saw something around his mouth, it looked like a towel.

I was asked to describe the dude. He was taller than me, medium build. Hair collar length over his ears. Had on glasses, not dark sunglasses, but shaded. His hands were behind him but I did not see them tied, but think they must have been. It looked like he was tied to the tree, but I did not see anything around him tying him to the tree.

I looked over at Gilbert. He had the blonde on the ground. He was having a hard time holding her down, but she wasn't hollering.

David was with the dark-haired girl. He was telling her she should know better, that she couldn't get away with it, shouldn't have tried to rip him off. The brunette was fighting with David, he pushed her down, she was hollering, but not screaming.

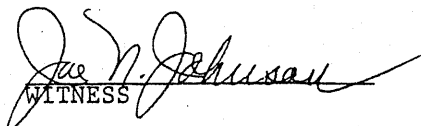
I started getting paranoid that someone was going to come down there. I was watching for cars. I heard a noise, looked around and saw David with a knife. I saw David make some stabbing and slashing motions. The girl was hollering, but it was muffled like something was over her mouth.


Gilbert was still kneeling over the blonde. I asked him what was going on. He told me don't worry about it. Sounded like he was mad at me. The blonde wasn't saying anything. David walked over to the blonde and knelt down by Gilbert. I couldn't tell what they were doing. I walked down between the two girls and saw that the dark-haired girl was not moving. The dude was shaking his head from side to side and jerking like he was trying to get loose from the tree. I went back to the park bench and was watching for cars.

Gilbert came over and told me to split, to go back to Bryan. Spence was down by the tree by the boy. It was getting dark, I could only see his shadow. Gilbert walked back down toward the tree where Spence was. I walked over to the Pinto and reached in and got some marijuana out of a bag on the console.

I got in David's car and drove back to Gilbert's apartment. I left it parked there and walked to a friend's house and then went to my grandmother's.

It is my understanding that the three people described above are named Kenneth Franks, Raylene Rice and Jill Montgomery.

  
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ANTHONY MELENDEZ

On July 13, 1982, I came back to Waco with my cousins', we were working in Bryan. We got to Waco around 2 or 3 o'clock in the afternoon. I went to the Armidillo Club and drank some beer. I decided to go to a friends house that lived on Colcord Street and started walking in that direction. While I was going down 15th Street I saw David Spence in front of his mothers house. I stopped and talked to him and he told me that he was going to go pick up Gilbert and ask if I wanted to go. I told him I would go since I hadn't seen Gilbert in a while. We got in David's car, a two door Malibu and took off. We stopped at the store at 15th and Colcord and bought some beer. <sup>After</sup> Often we drove away from the store we ran into Gilbert on a side street and picked him up. We rode around for a while drinking beer and smoked some pot. David said something about going out to the lake and I said it was ok with me. I thought he meant out to Airport Park but he drove out to Kohne Park instead. We stopped at the Hilltop Store on Valley Mills and bought some more beer. When we turned into Kohne Park we turned to the left and drove down around the circle and then went back over to the other side. I remember a pickup and a car like a Trans Am or Camero parked at the top of the hill. We started down the hill and David stopped. I looked over and there was a small car like a Pinto stopped, I believe a Blonde haired girl was driving, it seems like David was talking to the dude on the passenger side. I didn't pay much attention. I was looking at the two girls, there was a dark haired girl in the back seat. They took off and we turned around and followed them back over to the circle. David parked his car behind theirs and we got out and talked for a while. I talked mostly with the blonde. I remember that she said she was not from Waco but was down here visiting or something like that. I asked her if the boy was her old man and she said no that he was just a friend. I remember David was talking to the boy and asked him something about if he still had his bike. The boy said something like it was either broke down or in the shop. From the way they were talking I thought David knew the boy. We talked for a while longer and decided to go get some more beer. We all got in David's car and started to drive off. David said something to the dark haired girl that made her mad. They were arguing and David was grabbing her. She was trying to

make him stop. As we drove around the circle, they were still arguing and David pulled off to the left on a gravel spot by a dumpster. He slowed down like he was going to stop then pulled on off down into the woods a little ways. The dark haired girl was telling him to leave her alone and I said let's get out. We all got out of the car except for the boy. David told him to get out. When the boy got out of the car, David stepped up to him and told him he knew that he would get even that he (the boy) should have known better than to burn him for the dope. I was by the dark haired chick and I looked over and my brother was at the front of the car with the blonde. David pulled out his knife and told the boy "Chili always gets even." I had a screw driver in my pocket that I picked up off the floor board before I got out. I was standing next to the dark haired girl and she started to go toward David. I grabbed her by the arm and told her to be cool, she won't get hurt. David grabbed the boy and put the knife up to his chest and jerked him, the boy, went down and sat on the ground and didn't move or try to get up. David came over by me and grabbed the dark haired girl, and told her he was going to get his and that she should have never tried to take him for the dope. David walked her off a little ways from the car and I went with him. When we stopped, David pulled her down to the ground. He still had the knife in his hand. When he made her lay down he started rubbing the knife around on her breast. I don't remember when she took her top off but when he put her on the ground, she didn't have it on. David was telling her he was going to get his and he was going to get even with them. He handed me the knife and told me to go get the dude (the boy) and bring him over there that he was going to make him watch. I went and got the boy and brought him back to where David was. David told him, "I told you I would get even with you." David was already on top of her having sex with her. After he finished he got up and he told me to go ahead. I handed him the knife and I got down on the girl and had sex with her. David was talking to the boy but I don't remember what he said. David took the boy and walked back over in the direction of the car. Gilbert was in the front seat of David's car with the blonde. When I got through, I told the dark haired girl not to get up. David and Gilbert were standing outside the car. I walked over to the car

and David said the blonde was in the car. David and Gilbert walked over to the dark haired girl. I noticed that the boy was standing up against a tree and at the time I figured that they had tied him to the tree to keep him from running off. I got in the car with the blonde. She didn't have any clothes on. She said, "Don't hurt me" and I told her that I wouldn't, that after all this was over she wouldn't see me again. I had sex with her. When I was getting out of the car, David came over. It was getting pretty dark by now. I could only see images of the different people there in the woods. I walked to the front of the car and David got in with the blonde. I could hear him talking to her but couldn't understand what he said. I could see Gilbert over by the dark haired girl. I noticed that the boy was standing by the tree and had his head bent down. It looked like there was a stain on his shirt and he wasn't moving. I thought maybe he was dead. Gilbert started over to where I was and David came out and told Gilbert to go stay with the blonde. David and I walked over to the dark haired girl. He knelt down beside her and said, "Now I'm going to get even with you." He was rubbing the knife on her. She was saying don't hurt me. He brought the knife back and stabbed her. She tried to scream but just made a moaning sound. He stabbed her again and there was a lot of blood. He looked over at me and said we're all in this together. We don't need anybody talking. He handed me the knife and I said, "Man, you didn't have to stab'em," and he said, "I had to show'em." She kind of moved and he said, "Go ahead." I stabbed her and the knife went in all the way. She moved and David told her she should have known better than to mess with Lucky, Lucky: always gets even. When he said that, I thought he was talking about me. I didn't know anybody named Lucky. I stabbed her again and the knife hit a bone or something. It didn't go in very far. I handed the knife back to David and he said you didn't do it right. He bent over and put his face down on her breast. She kind of jerked. I thought he might have bit her. Then he would stab her and watch it like he was really enjoying watching the pain. He wasn't trying to finish her off.

After he got up, we walked back over to the car where Gilbert and the blonde were. Gilbert walked off in the direction of the dark haired girl. David got the blonde out and pulled her down to the ground. He told her, "Now you're going to get yours". She was pleading with him, she asked him not to hurt her. She told him he had got what he wanted. David stabbed her a couple of times and I turned and walked off. I went over to Gilbert and told him, "Man, I ain't done nothing. Let's get out of here." He said, "Just be cool, everything will be alright." I said, "Let's go." Gilbert walked over to David and I walked up the hill to look around to see if anybody had pulled up or might be watching.

When I came back, Gilbert came up to me and said we were going to leave and that David was going to stay there. He said we were going to go ~~get~~ get his truck. When we started to get in the car, David came over and got his stick that he always carries with him. He calls it his Love Stick. He walked over to where the blonde was and when we got into the car to leave, I saw that he had the stick in between her legs and it looked like he was messing with her with the stick.

Gilbert and I left and drove out to Bosqueville where he had his truck parked. Gilbert drove his truck and I drove David's car. We took his car and parked it at his mom's house. I got in the truck with Gilbert and we went back to Kohne Park. We backed up by where we had pulled in the first time and David walked out of the woods. He walked up to me and said he had found some money and that he had took a watch and ring. Gilbert and David went down in the woods and brought them out. I stayed by the truck. The first one they brought out was one of the girls and it looked like she was cut up more than she was when we left and I noticed that her arms weren't dangling. I thought they must have tied them up. I went over to the Pinto and got a small lid of marijuana out of the car that was on the console between the front seats. While I was reaching in the car, I touched some glasses that were on the console so I took them too so I wouldn't leave any fingerprints. When I got back to the truck they were coming out with another one. They loaded it then went back after the other one. When they had finished loading them, we got in the truck. I was in the middle and Gilbert was driving. We left the park, went up the hill

toward Valley Mills, we turned off through a residential area and went over to Fish Pond Road out to Hwy 6. When we went across the twin bridges, I threw the glasses and the screwdriver, that I had out the window of the truck into the Lake. When we got to Speegeville Park, we turned and went down a dirt road into some woods. When we stopped, I got in the back of the truck and helped unload them. We unloaded the boy first, David and Gilbert took him off aways. When David came back, he was laughing. He said when they find him, they'll freak out because he's gonna be sitting up. Then they took the other two, one at a time. It seemed like it took longer for them to take the boy off than it did the other two. When we were headed back into town, David said something about the money. I told him I didn't want any of it. They dropped me off by Melvin's Store at 18th and Alex and I did not see David or Gilbert again until we were all arrested on this case.