

## Statement

Statement Form. Warning by Magistrate.

VOLUNTARY STATEMENT OF Gilbert MelendezI, Gilbert Melendez, after having been first dulywarned by Judge John Cabaniss who is the  
(Magistrate)Justice of the Peace Precinct 1, Place 1 of McLennan County, Texas, at  
(Title)8:45 o'clock, P M., at the McLennan County Sheriff's Office  
(Place of Warning)on the 26 day of March, 19 83, of

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

- GM(1) I have the right to retain counsel;  
GM(2) I have the right to remain silent and not say anything;  
GM(3) I have the right to have an attorney present during any interview with peace officers or attorneys representing the State;  
GM(4) I have the right to terminate the interview at any time;  
GM(5) I have the right to request the appointment of counsel if I am indigent and cannot afford counsel;  
GM(6) I have the right to an examining trial;  
GM(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 Truman Simons and Captain Dan Weyenberg

My name is Gilbert MelendezI live at the Texas Department of Corrections.

On or about the first part of July, David Spence and I were riding around together and ~~we~~ <sup>he</sup> GM said something about some people ripping him off for some dope. He just said that they was supposed to get some dope for him and he got ripped off for the money. On or about July 13, 1982 between 9:00 and 10:00pm, David came by my house and picked me up where I lived, I ~~got~~ <sup>got</sup> GM into David's car, a white older model station wagon, and we stopped by a store and bought some beer. We went riding around town for a while. A while later about an hour and a half it was about 11:30pm we went to a place out at the lake called 0.6. Its a park David and I were going out that way off of valley mills drive, David said lets pass through 0.6 park, I said OK, we drove through the park and saw some people sitting by a park table, two girls and a boy. The three people involved. David said he knew them. He said thats the people or thats the chick that I was telling you about that ripped me off. Let's stop and talk to them and see if they want to drink some beer and get high. He said he knew them so I said OK. We stopped, David and I ~~and~~ <sup>GM</sup> GM David called over to them and they came over and started talking to David. He asked them if they wanted to get high and drink some beer. We had some and still had time to go by the store and buy some more and they said OK. The two girls and boy got into the car. One girl got into the front seat, the brunett between me and David Spence and the boy and girl got into the back seat. We started to drive off and turn the car around. There is a turn there we drove through the turn and we were talking. David Spence introduced them to me and we said hello and everything and started to drive off. We drove a few more feet

into a turn and David said something about how good looking the girl was, the brunett in the front seat, and I said "yes she is" and we drove a little farther and David says she has some big tits and I said yes she does and she told him be quiet don't talk like that. He said I want to grab one and he reached over and grabbed one and put his hand on her tit and she pushed his hand away and told him not to do that, what was wrong with him, and he said, I like them and I'll do that if I want to, don't push my hand so he grabbed her again and she pushed him away and tried to hit him in the face, more or less like slapping and David stopped the car and put it in park and started trying to put his arm around her and everything. She pushed him back and tried to hit him in the face and was cussing at him to leave her alone and they started fighting in the front seat <sup>B.M.</sup> struggling. He was ~~XXXXX~~ <sup>trying B.M.</sup> to grab a hold of her and she was trying to push him away. I was in the front seat and they were pushing against me and I opened the door and got out and the people in the back, the girl and the boy asked him what he was doing, the girl in the back seat said cut it out and leave her alone and I told them to shut up and be quiet. They were squabbling in the front and David got out of the car and was leaning over the brunett in the front. I told the boy and girl in the back seat to move over towards the door on the passenger side and to be quiet to shut up and not to say anything. David was still hasseling with the girl and she was hollering at him and he said that he was going to fuck her, to take her clothes off, and she was giving him a hard time. She said she didn't want to. The two in the back seat started to say something again, I told them to shut up that I had a pocket knife in my pocket and I took it out and opened it up. I told them to be quiet and they did. David was struggling with the girl in the front and he was trying to take her blouse off her and she was giving him a hard time. David was out of the car, she was on the front seat, her legs were out of the car. He slapped her and hit her a couple of times. They were struggling around and he got mad at her and told her that no bitch was going to hit him. She was trying to slap him and ~~XXXXX~~ <sup>B.M.</sup> scratch or hit at his face. I was still standing outside the door and the girl and boy in the back started to say something and I told them to shut up again. David was still having a struggle with the girl and a knife appeared. I don't know, I'm not sure who pulled it out, I don't know, but David had the knife and put the knife to her and told her to cut it out, to quit fighting him and she didn't want to and still kept trying to hit at him. He got mad and started acting like he was going to cut her with the knife and he started cutting her with the knife and she started to holler and he tried to keep her from hollering. The girl and the boy were in the back seat and the girl hollered he's got a knife and I told her and him to shut up

and they did. David started to stab her, she screamed and they stopped struggling. I think she had her shorts off. The girl in the back seat was scared and the guy was too and I told him to step out of the car and stand by where I was at. He stepped outside, I told the girl to shut up and be quiet and sit there. She did. David stepped away from the front and said he hated to cut her tits, that she was a good looking girl. He looked at the girl in the back and said I'm going to fuck her, and she said no leave me alone. He told her to shut up and the guy said something about leaving them alone, and I told him to shut up and stand there. He said OK. David came around to the blonde by the back door in the back seat and started to grab a hold of her and she struggled with him trying to roll away. He had the knife in his hand and told her to do what he said or she would get hurt. And she said to leave her alone, she didn't do nothing, she didn't want to do anything, that he was <sup>G.M.</sup> ~~xxxx~~ crazy, and he told her to shut up and he hit her a couple of times. She struggled with him a little bit, he put the knife up to her and told her to be still to quit struggling with him. He started to take her top off and she was giving him a hard time and he was trying to hold her hands down and she was struggling alot and trying to kick at him but he had her pinned down and he said hand me something to tie her hands up with, she's giving me to much trouble. I grabbed a bra from the front seat and handed it to him. It didn't work <sup>G.M.</sup> she already had her blouse, her top off so I handed him a blouse and he tied her hand with and was trying to tie the other one up but she was still resisting but she quit hollering. He had pulled her pants off her. He pulled down his pants but he still had his clothes on and started to have sex with her and he said I'm going to fuck you and she said no she didn't want to, to get off her and leave her alone. And I hollered at him what are you doing David, let's go, let's get out of here. And he said, wait a minute, I'm getting me some pussy. He was having sex with her and the guy said what's going on, I told him to shut up and stand there I had the knife in my hand so he did. David still had the knife in his hand, holding it on the girl. She was still struggling some, he hit her and he was in the back seat with her having sex with her and she started trying to push him away and he got mad because he couldn't finish she was giving him too much trouble, she wouldn't go along with him. He put the knife up to her throat and said he was going to cut her with it, he said I'm going to fuck you up if you don't do what I tell you. You better do what I say. And she started to scream and yell at him, cussing at him, and trying to push him and he hit her a few times and said fuck it and started cutting and stabbing

*Gilbert Melendez*  
Gilbert Melendez

her with the knife. I told the guy to back off towards the back of the car, he said what's going on man, don't hurt her. I told him to shut up and David stood up out of the car by the door and pulled his pants up and said she wasn't nothing but a cunt and that he didn't get to get his rocks off and she wasn't any good anyway, she layed there, she didn't move any more. David moved around in the car for a minute, I guess he went in their purses, I don't know if he got in the pants pockets. He had some money in his hand, a hand full of bills and he handed them to me and said here put this in your pocket. I just grabbed it and put it in my pocket. Later I guess it to be around five hundred dollars. He got next to the guy we were standing by the back of the car and said yeah you were in with them on ripping me off and the guy said I don't know what your talking about, I didn't do anything to you and David said, yeah you did, your nothing but a punk, he said your going to get treated like one. The guy said I didn't do anything, I don't know what your talking about. He was scared, I was too. David told him to shut up and put the knife up to him and I told David I said "Man, I'm splitting" and he said "What?" and I walked away from the car a little and I said, "I'm splitting, I've got to go man", he said, "Hey Bro. don't go, man where you going?" He said "I'll give you a ride you can't go." I said, "I'm going". He said, "Hey Bro. don't split". I said, "I'm going to walk over here by the water man", the water was not far away 30 to 40 feet, I picked up a beer that I had sitting on the car I stood there a second and David told that guy he was nothing but a punk, a cunt, just like those girls. He was going to fuck him up for fucking him around on the money ripping him off. David hit him a couple of times on the face with his fist and hit his stomach. The guy kind of crouched down and David kicked him a couple of times. I started to walk away by the water and David said, "Don't go, man", I said, "I'm going by the water" and David started hitting and stabbing the guy. I could hear him bumping against the car. I was at the waters edge finishing the beer, I lit a cigarette, I walked back toward the car, I told David, "Man let's get out of here, somebody's going to drive by". I kept looking, I thought someone was going to drive down through there. I said, "Man, I'm going to split, I'm going to go, I'll see you later". He said, "Don't leave, help me get these people in the car". "We got to take them somewhere, we can take them to Speegleville, I know where we can drop them off." "I can't do it by myself". I walked around the car where David was and he already had the guy halfway in the car and pushed him

*Gilbert Melendez*  
Gilbert Melendez

in and shut the door, walked over to the other side and he put the girl from the front in the back and closed the door. We got in the car and started off. I said, "Let's go, let's get out of here before somebody sees us, somebody might have heard some noise". We drove out of O.6 park up Lake Shore Drive towards town and took a sharp right and a curve to the left by a store at the top of the hill and then a right on a street, went a few blocks and took a right on Fish Pond Rd, went to Hyway 6, got on the hyway went over the bridges, there got off on an access rd. I'm not familiar with that area. Went down a paved rd and off on a dirt road. David said he knew where he was going, I asked him if he knew where he was going, he said he did. It was after 12:00 midnight when we left the park and started driving. David wanted a beer, I gave him one. I told him we were in serious trouble, somebody probably seen us. While we were leaving, I would look back to see if anybody was following us. We didn't say a whole lot, he said nobody would know, no one saw us, nobody would know unless we told them. I told him we just needed to get to where we were going and get these people out of the car. We drove down the dirt <sup>Q.M.</sup> road and went down another one to a secluded area. It took around 45 minutes to get there. We got out of the car, I told him I had to take a leak. He opened one of the back doors and started to take one of the people out and called me to help him. I helped him carry her, the brunett. I had her legs, he had her shoulders and took her a ways off into the weeds out there about 35 feet off the road and we went back to the car and got the other girl, the blonde, and carried her about 15 feet off the road in about the same area, then we got the guy and set him in a different area about 4 feet off the road around 50 feet away from the two girls. I said, "Goddamn man, I'm going up to the car." "Let's get out of here, let's get the fuck out of here before somebody comes and sees us". I walked up towards the car and he was checking them, I said, "Are they dead or what?" He said he was going to see. I didn't want to look so I walked to the car and fumbled around to get a beer and a cigarette off the front seat. I looked over the seat, I didn't see anything in the back. I walked passed the car about 20-25 steps walking and back. David said, "What are you doing?" I said, "Nothing just walking." I said, "Let's go." He was over at the spot where the girls were at. I thought I heard him saying something, I don't know if he was talking to them. I said, "What are you doing?" He said, "Nothing". He was standing there looking

  
Gilbert Melendez

at them, kicking around on them or moving them around or something. It was dark, I couldn't really tell. I walked back and forth a couple of times. He walked back to the car and I was walking back to the car on the road. I said, "Let's go, let's get out of here" and he said, "Let's go". We drove out on the dirt road out of the trees and out on a dirt road to a paved road and ended up on the access road to Hyway 6, somewhere around going out to Speegleville or back he threw something out of the car, I'm not sure what it was. It was around after 1:00am when we were on the access to get on Hyway 6. He got a beer and I did too. We had beer on the floor board while we were driving. I told him I didn't know what was going on, that we were in big trouble and people are dead and I was getting my things and leaving town. I was pretty shaken up about it. I don't know what I was thinking. We rode and turned the radio on they way back. He said, "Don't worry about it, nobody would know, the only ones that know are me and you". "They're gone, they're dead, they can't say nothing." "Nobody will know unless you say something or I say something, and I know you won't say anything and you know that I won't, because we are brothers". I said, "Yeah, I'm not going to say anything." I said, "We're in trouble and we're going to get caught." I kept looking around to see if policemen were following or if somebody was following or something. I was nervous. We got off the hyway, I think we took Sanger Road through town. We cut through town and he took me to <sup>G.M.</sup> ~~ME~~ where I lived. We stopped finished a beer and talked a couple of minutes. I said, I thought I was going to leave town. He said, "I'll get some money tomorrow or the next day, we'll both split if you want to". I said OK. I got out of the car, he left.

Everything I have said here is true and as correct as I can remember. My mind wasn't real clear, I had been drinking alot that night.

*Gilbert Melendez*  
 Gilbert Melendez

Sworn to and subscribed before me this 26<sup>th</sup> day of March, 1983.

*Joe Eld Baker*  
 Notary Public  
 State of Texas

My commission expires 3-8-87.

*Bonnie R. Scott*  
 Witness  
 812 Penton Lane  
 Graco, TX 76725  
 Witness



STATE OF TEXAS

△ COPY

COUNTY OF McLENNAN

I, John Casaniss Justice of

the Peace, Precinct No. 1, Place 1, of McLennan County, Texas, do hereby certify that

Gilbert Melendez appeared before me at 5:28 P.M.,

on the 18 day of January, 19 85 at the

Court house Annex Bld in McLennan County, Texas, and at that time I warned the said

Gilbert Melendez of the accusation against him/her

in clear language and of the affidavit, if any, filed in support of such accusation; that he/she had the

right to retain counsel; that he/she had the right to remain silent; that he/she had the right to have

an attorney present during any interview with peace officers or attorneys representing the State; that

he/she had the right to terminate the interview at any time; that he/she had the right to request the

appointment of counsel if he/she is indigent and cannot afford counsel; ~~that he/she had the right to~~

~~have an examining trial;~~ that he/she is not required to make any statement and that any statement

made by him/her may be used against him/her; that I gave him/her a reasonable time and opportunity

to consult counsel.

I also warned \_\_\_\_\_

of his right not to take a polygraph examination, and that if the polygraph test is undertaken, it can be

terminated at any time.

In witness whereof I have subscribed my name this the 18th day of

January, 19 85.

*Subject is under indictment for Capital murder.*

John Casaniss  
Justice of the Peace  
Precinct 1, Place 1  
McLennan County, Texas

COPY

VOLUNTARY STATEMENT OF GILBERT MELENDEZ.

I, GILBERT MELENDEZ, after having been first duly warned by

John Casaviss

who is the Justice of The Peace Act. # 1 of

McLennan County, Texas, at 528 o'clock, P.M., at

The Court house Annex on the 18 day of

January, 1985, 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;
- C.M.* (4) I have the right to terminate the interview at any time;
- (5) I have the right to request the appointment of counsel 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 TRUMAN SIMONS.

My name is GILBERT MELENDEZ.

I am an inmate in the McLennan County Jail.

Around the last part of June or first of July, 1982, David and I were riding around one day and we started talking about some dope and he said that he had a friend that got ripped off for a bunch of dope and that he was willing to pay somebody to get his money. He said that his friend had fronted a bunch of speed or crank, to these people and that he either wanted the dope or the money and that he was willing to pay somebody to get it back. I asked him how much

Gilbert Melendez  
GILBERT MELENDEZ

SUBSCRIBED AND SWORN BEFORE ME THIS 18th day of

January, A.D., 1985.  
*C.M.*

John Casaviss  
NOTARY PUBLIC in and for  
THE STATE OF TEXAS

My Commission Expires: \_\_\_\_\_



COPY

dope and he said it was a bunch. I told David that it wasn't worth it to get mixed up in that kind of shit and he said that the guy had a lot of money and was willing to pay good to have somebody do it. I ask who the people were and it seems like he said it was a chick and a dude. I know he said something about a chick. I told him I wasn't interested in getting mixed up in that kind of shit and he said he was thinking about doing it, and said something about his friend being willing to pay good money. He didn't say how much.

One afternoon, I believe it was a few days after that, it was late in the evening or close to being dark, David and I were riding around. We decided to get some beer. David drove over to the store where Herring and Lyle Streets run together by the Methodist Home. David said let's go in and get some beer. I know the guy that owns the store. We went inside. David started talking to a guy. He told the guy this is Gilbert, a friend of mine. He's the one I told you about. I think David told me what the guys name was but I didn't pay that much attention to it. I know now that the guy's name is Muneer Mohamad Deeb. David told Deeb, "I told him about you getting ripped off and wanting to get your shit back." Deeb kind of nodded, and acted nervous or up tight like he didn't like David talking about it. Deeb kind of changed the subject and started talking to David about what he had been doing and that kind of stuff. It seemed like Deeb was real uncomfortable so I went and got some beer and left them alone. We left the store a little while after that. After we left, David started talking about how much money the guy had and that he owned the store, and would pay good to get his money back or scare the people.

July 13th, 1982

I was doing construction work on some condominiums over by Hillcrest Hospital. I got off work at approximately 4:30 p.m. I started walking to my grandmothers house at 15th and Bosque, cutting across town. I saw Spence and Tony around the intersection of 15th

Gilbert Melendez  
GILBERT MELENDEZ

SUBSCRIBED AND SWORN BEFORE ME THIS 18th day of January,

A.D., 1985.  
C.M.

J. M. Calais  
NOTARY PUBLIC in and for  
THE STATE OF TEXAS

My Commission Expires: \_\_\_\_\_

COPY

and Colcord they stopped and picked me up. They were in David's car. We stopped at the store there at 15th and Colcord and bought some beer. We rode around drinking beer and smoking pot. We rode north on 18th and I think we stopped and got some more beer. Then rode out to Valley mills Drive. It didn't seem like we were going any place in particular. I remember driving through the parking lot at Click's on Valley Mills Drive.

We drove down through Koehne Park and didn't see anyone that we knew. We went back up on Valley Mills Drive and bought some more beer and rode around some more. A little while later we drove back down through Koehne Park. It was starting to get dark or late in the evening. We turned right when we got into the park and drove down to the gravel area. I remember a car and a pickup parked at the top of the hill and some people standing around drinking beer. I remember a Grand Prix or Monte Carlo being parked about halfway down the hill. I remember a Black Dude in a car talking to some people. Spence made a comment like, "What's a fuckin' nigger doing out here." We didn't see anyone that we knew so we left and drove over to the other side of the park to the area called the circle. As we drove into the circle, I remember seeing two cars, a small one and a larger car. As we pulled in, Spence made a comment like, "I know those people, let's stop and check them out. They're the ones I told you about that ripped that dude off." I said, "Man, fuck that shit." (I didn't want to stop.) He stopped the car and said I just want to stop and talk to them. He opened the door and started to get out. He yelled out and it seemed like he called one of them by name and I thought he knew them. One of the girls (the brunette) answered and it was like David called her by the wrong name. And she told him what her name was and it was similar to what David had called her. Tony got out of the car and walked over to where they were. David asked them, "What are ya'll up to," and they said something like they were just drinking a few beers. I stayed in the

Gilbert Melendez  
GILBERT MELENDEZ

SUBSCRIBED AND SWORN BEFORE ME THIS 18th day of January,  
A.D., 1985.  
G.M.

Jim Calamus  
NOTARY PUBLIC in and for  
THE STATE OF TEXAS

My Commission Expires: \_\_\_\_\_

COPY

car and they stood around and talked for a while. David asked them if they wanted to go to the store with us and get some beer and get high. The brunette seemed like she was willing to go. She asked the boy and the blonde if they wanted to ride up to the store or wait there. They said it didn't make any difference, that they could wait there. David said something about we could all get in the car, that there was plenty room. Something was said about us having some pot and that we could smoke it on the way to the store. They all decided to go and got in the car. David got in on the driver's side. The blonde got in the middle, in the back; the boy got in on the driver's side in the back seat; and I was on the passenger side in the back; the brunette got in the front; and Tony was on the passenger side in the front. Tony asked them something about if they lived around here and it seems like the boy said he lived in Waco but that the girls were from out of town. When we started to pull out, David was backing around and something was said about a car, like don't hit my car or I hope nobody messes with my car. Anyway, that was when I found that the smaller car was theirs. The only thing I remembered about it was that it had some kind of stickers on the rear window. Something was said about a radio station by one of the girls. Tony asked the blonde if the boy was her old man (boyfriend). She said no, that he was just a friend. At this point, I have been asked to describe the three people.

THE BLONDE:

I remember that she was real white or fair complexion. She had blonde hair about shoulder length. Seemed like it might have a little wave to it. It wasn't straight. Her hair looked like it was dyed because it seems like the roots or close to her scalp was darker and it didn't look natural. She wore a lot of eye makeup. She was small and thin. She had on some kind of top where her shoulders showed, like a tube top. I don't remember what her shoes were but they were some kind where you could see her feet in them

*Gilbert Melendez*  
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 GILBERT MELENDEZ

SUBSCRIBED AND SWORN BEFORE ME THIS 18<sup>th</sup> day of January,  
 A.D., 1985.

*G.M.*

*John Calamus*  
 \_\_\_\_\_  
 NOTARY PUBLIC in and for  
 THE STATE OF TEXAS

My Commission Expires: \_\_\_\_\_

like sandals but they weren't sandals. I remember the blonde as being about 5' tall. She was smaller than the brunette.

COPY

THE BRUNETTE:

Dark brown hair, kind of wavy, to her shoulders. Kind of dark complected. Heavier than the Blonde but not fat. Had a big smile. When she smiled, she showed a lot of teeth. More friendly and talkative than the blonde. She was about 5'4". She had on make-up around her eyes but not as much as the Blonde. I don't remember much about how she was dressed.

THE BOY:

He was kind of tall, small framed. I wouldn't say he was skinny, brown hair, he looked like one of the regular people you would expect to see out there. His hair was about medium length. He had on blue jeans and a colored pull over shirt.

We started to drive off. Spence said something about the Brunette having some big tits and looked around at me, it seems like the boy said something or laughed. She (the brunette) said, "Don't be talking like that." David said something like, "Well you do (have big tits)", and they kind of argued back and forth for a moment. Spence reached over and grabbed one of her breasts and she pushed his hand away and told him to stop it. She asked him "What's the matter with you?" "What are you doing?" David said, "I'll grab it if I want to." He had pulled over to the side of the road. He was trying to pull her top off and she was fighting him. She yelled at him, "What's the matter with you, are you crazy?" David slapped her and said, "Shut up. No bitch is going to tell me what to do." She stopped fighting back and didn't do anything, like she was scared. David drove the car forward off into some trees and stopped. The boy said, "What's going on, man?" I told the boy to shut up. David opened the door and got out. He told everybody to get out. The girl in the front got out. Tony opened the door and got out. He told Spence, "Man, you're crazy." Spence told Tony to come around on his side of the car to make sure they don't run

*Gilbert Melendez*  
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GILBERT MELENDEZ

SUBSCRIBED AND SWORN BEFORE ME THIS 18th day of January,

A.D., 1985.  
*G.M.*

*Jim Calamus*  
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NOTARY PUBLIC in and for  
THE STATE OF TEXAS  
My Commission Expires: \_\_\_\_\_

off. Tony went around behind the car to the driver's side. The boy, the blonde and I all got out on the driver's side. David told everybody to come around to the front of the car. They were standing kind of in front of the car and Spence was in the middle, in front of them with Tony on one end and me on the other end. I don't remember the exact conversation but Spence started talking to them about ripping off somebody for some drugs or money. I figured he was talking about the dude at the store and I thought they knew what he was talking about. The brunette said, "I don't know what you're talking about." And the boy said, "Man, we ain't ripped anybody off for nothing." David told the girls to take their clothes off. They said something but I don't remember what. That's when I first remember seeing a knife. David kind of flashed the knife and said if they didn't take their clothes off, he'd kill them. One of the girls said something like, we've got some money, you can have it. David yelled at them to take their clothes off and was calling them bitches and cunts. He said for somebody to get something to tie the boy up with. I asked what and he said something under the front seat. I went to the car and looked around for a while. I finally found a rag or towel under the seat. I didn't pay much attention to it. I took it back to David. As I came around the car, I noticed that the girls had undressed and were standing there naked. They were trying to cover themselves up as best as they could. I have described the brunette earlier in this statement as being dark, complected but when I saw her undressed, I noticed that she was real white where maybe a bathing suit had covered her. In other words, she just had a good tan. I gave the rag to Spence and he didn't tie the boy then, he just grabbed the brunette by the arm. He said I'm gonna go over here with her. One of you'all watch him. He then said, "Gilbert, you can go with her," pointing to the blonde. I gave Tony my pocket knife and I told her to come on around here to the car. I opened the door on the passenger side and she got in the front seat. I heard Spence tell

*Gilbert Melendez*  
 GILBERT MELENDEZ

SUBSCRIBED AND SWORN BEFORE ME THIS 18<sup>th</sup> day of January,  
 A.D., 1985.

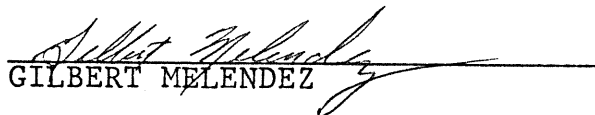
*G.M.*

*Jim Salinas*  
 NOTARY PUBLIC in and for  
 THE STATE OF TEXAS

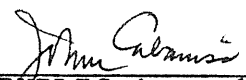
My Commission Expires: \_\_\_\_\_

Tony to bring him over here so he can watch me fuck this cunt.

I put the Blonde in the front seat. She was scared. I told her I wouldn't hurt her. She said, "Okay, don't hurt me, I'll do what you want." I had sex with her. When we got through, I told her to go with me. We walked to the front of the car toward Tony and the boy. I told Tony, "I'll watch him, give me the knife." Tony and the boy had been sitting down when I walked over. They both stood up. I told the boy to sit back down. Tony walked over to the Blond and took her back to the car. I knelt down there beside the boy. I could see the image of David and the Brunette about 20-25 feet away. I could hear David talking and the girl was making some moaning sounds like she didn't like what was going on. I don't know if she was gagged or not. I don't remember he saying anything that I could understand. At one point, I remember hearing David say something like, "You like that don't you, move faster." It looked like David had the knife up by her face. Later, it looked like he had his face down on her breast and at one time he was kneeling over her, it was getting darker and at the angle they were at from me, I couldn't really tell what he was doing to her. The boy was just sitting there and didn't say anything. As best as I can remember, his hands were tied. Tony and the Blonde got out of the car and walked toward the front. Spence got up and said one of ya'll come over here and watch her. I told the boy to stay where he was at, he was sitting down. I walked toward the Brunette and David walked over to Tony and the Blond girl and told Tony to watch the boy. He wanted to be with the Blond, they weren't that far apart, Tony, the Blond and the Boy, when David walked that way. He was kind of in the middle of them all. She was still lying on the ground. David said something to me like, hey you want to get you

  
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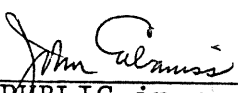
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some of that, it's pretty good. I hated to cut her tits. I walked over and knelt down beside the Brunette and David took the Blonde to the car. When I knelt down beside the Brunette she was lying on her side, I said, "Hey, she didn't say anything." It was like she was sobbing or crying but quiet and it looked like she was hurt or bleeding. I thought she had been cut. I didn't look to see exactly where. It seem to be her chest or shoulder so I stood up and walked away 3 or 4 feet and was looking around. I remember seeing the Blonde sitting in the front seat. It looked like David was moving around in the car like he was looking for something. I thought at the time maybe he was looking for a beer. The next time I looked around toward the car, I didn't see David or the Blonde. I heard some sounds coming from the car like the girl was moaning. It didn't seem like Spence spent a lot of time in there with her. When David got out of the car, he closed the door and left the Blonde in there. I told David to come to where I was at so I could go check things out. David walked over and handed me some money, and said put this in your pocket. We had heard some cars driving around and they sounded close. Tony told the boy to get up and walked over by the car where the Blonde was. When David got over to where I was, I walked off behind the car to see if I could see any one.

It was dark by now but I could still see images. I heard a noise. It sounded like David and the girl were fighting like he was hitting her. I couldn't see very well but at the time it looked


  
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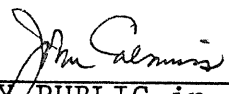
  
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like he was hitting her she was making a noise but it was muffled and I thought maybe he had his hand over her mouth. She was still lying down and he was down on his knees over her. The boy said, "What's going on?" Tony yelled at him to shut up. The girl stopped moving and quit making noise. David stayed over there by her for a little while then he went over to where Tony and the boy were. The Blonde was still in the car with her head down like she was crying. I walked to the back of the car toward the right of the car and was looking around. I could see Tony and the boy by the front of the car, the Blond girl was sitting in the front seat of the car and Spence was with the Brunette when David walked back to the car. I had walked back around towards the back of the car between the car and the road. I could hear cars. They sounded like they might be coming down the road. That's when David came up to the boy. The boy was sitting on the ground in front of the car. David told him to get up and kind of reached and grabbed him by the shirt and helped him get up. The boy said something like, "Man I haven't done anything." David said, "Yeah, you ripped him off." David said somebody's name and told the boy, "Yeah, you been fucking around with the guy's old lady (he called the name again but I didn't snap on it at the time)." The boy said, "No we were just friends." Spence said, "Naw, mother fucker. He walked in and caught ya'll fucking around on the couch or on somethin." Spence said, "You fucking punk", and kind of hit him in the head. Spence had him by the throat and was kind of like sticking him with the knife. The boy was like backing up and backed into the car. He was making a

  
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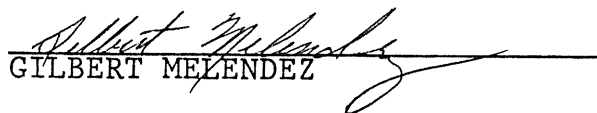
  
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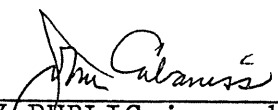


noise like he was trying to hollar but couldn't because Spence had him by the throat. When he backed in to the car, Spence stabbed him several times and then just kind of pushed him and the boy fell to the ground. Spence pushed his leg up against him to keep him from rolling over on his stomach. Spence knelt down beside him. The boy was making sounds like he was hurt real bad. They were gasping sounds, like he was having a hard time breathing. Spence stayed knelt down by him until the boy quit moving and quit making sounds.

When David got up, he said, "Get the girl out of the car." Tony was standing approximately two to three feet from the passenger side door. Tony opened the door. She kind of looked out at David. Tony told her to get out. She got out of the car. David walked over to where they were. They had walked up to about the front fender on the passenger side. David was talking real fast. I can't remember everything he said. I remember him saying, "We can't let her go, she knows what's going on." She said, "I won't say nothing." David said, "We can't let her go. She's seen too much." She came back and said, "I didn't see anything. Please let me go." David kept repeating, "We can't let her go." The girl was crying and pleading. David kept saying, "If we don't do something to her, we'll get caught and you know what that means." He said, "I killed them two." He said we're all in this shit. "I killed them." David had the knife and he handed it to Tony. The girl was standing against the car and David and Tony was in front of her. She made a sudden move like she was fixing to take off. David reached out to stop her and Tony reached out at the same time and pushed her back


  
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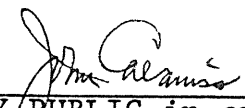
  
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against the car. Tony started hitting (stabbing) her with the knife. It looked like someone put their hand over her mouth because she wasn't hollering. She was struggling, trying to get away but she couldn't. David was helping hold her. Tony hit her with the knife several times. I don't know how many. They stepped back and she kind of came forward off the car and fell to the ground. Tony dropped the knife and walked off back toward the rear of the car. David knelt down beside the girl and picked up the knife and stayed there beside her for a while, like he was making sure she was dead or wasn't going to get up. Tony walked back behind the car. I walked around the car back to where David was and I saw Tony coming back up to the car. I said, "Let's go, let's get the fuck out of here." David said, "Ok but we can't leave them here, somebody might have seen us drive through here." I said, "Man, I don't want to fuck with it." And started walking off. He said, "Hey, where are you going Bro. We gotta get your truck." David said we couldn't put them in the car, some one might have seen us when we were riding around the park. We agreed about getting the truck. David said he knew a place we could take them out to at Speegleville. I told him I didn't want to fuck with it. He said some one might have seen us and that we couldn't leave them there. We decided to get the truck. It seems like while we were talking, David open and closed his trunk of his car. I think he put their things in there, whatever they had so none of that would be laying around. Tony and I got in the car and left. David stayed. We

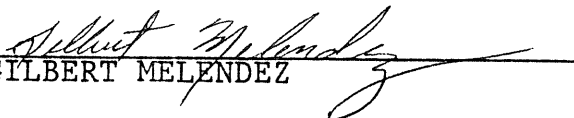
  
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left, and went to get the truck out at Bosqueville. Tony drove the car. We went to David's mother's house, went back to the park, when we got there, David was sitting or standing around one of the tables. I backed up where the curve was and Tony stayed by the truck and me and David went through the trees to get them. We got the Blond first and I noticed that her legs were tied. I carried her by her legs and David had her by her shoulders, her hands must have been tied because I didn't see them hanging down and it looked like she had something tied around her mouth. When we got her to the truck and put her in the back of the truck I saw that her hands were tied behind her back and that she had something tied around her mouth. We got the boy next and the other girl, the Brunette. We carried them back the same way we did the Blond and they all were tied the same way. David and I covered them with an old drop cloth that I had in the back of the truck and we got in the truck and left. I drove, Tony in the center, David by the window, passenger side. When we left, we went up the hill. There is a road about halfway up the hill that cuts through a residential area to Hwy. 6. Tony said, "Let's go through here." I said, "No, let's go on up further." We went up by the hill top store and cut through to Fish Pond Road. We went down it and missed the turn to Hwy 6. We stopped and backed up then went to Hwy. 6 across the lake and took the first exit ramp. I said something to Spence about, you're not thinking about turning here are you? It was by a trailer at the gate and he said, "No" and pointed for me to go past that, from then on he showed me where to

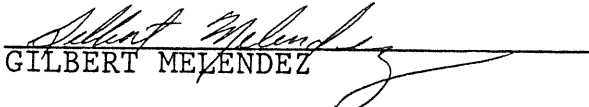
  
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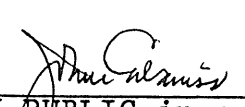
  
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go. We angled off down a side road. It was paved. We went down the road a little way and it turned into gravel. We went a short way on the gravel and turned right on to a dirt road. We drove for a short distance then back on a paved road then angled off on to a dirt road that curved around into a wooded area. We stopped in the wooded area. I left the parking lights on and we got out, I said, "Let's hurry up." Spence and me unhooked the tailgate and let it down. I told Tony to watch and to see if anyone was coming. He walked back up the road a little ways. Me and David took the Brunette out first. I carried her by her feet, Spence carried her by her shoulders. We carried her out into the trees. We came back and got the Blond girl out. We carried her out in the woods the same area the first girl was but not as far as the first girl and we put her down. I walked off and Spence stood there by her for a few minutes. Then he walked over by the other girl and stayed by her for a while. It looked like he was moving them around or checking them to make sure they were dead. I said to David, "Hey come on, let's hurry up and get out of here." David came over by the road where I was and said, "Let's pull up a little and put him off." He said, "Pull up, I'll walk in front of you," Tony was walking behind the truck. I told him to get in, let's go. We both got in the truck. David was walking in front of the truck, I pulled up a ways to the right of a "Y" in the road. David motioned for me to stop. David walked by toward the back of the truck. The trees and bushes were almost next to the truck, when I opened the door. I told David I was going to walk up in front of the truck and make sure no one

  
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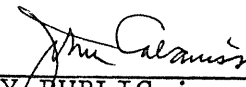
  
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was coming. David said, "yea, I can get him or I'll get him." Tony opened the door but I don't think he got out. I walked up in front of the truck a little ways. I felt sick, I stopped and vomited. I looked around. I didn't hear any cars. I walked back to the truck. David already had the boy out and was moving around in the bushes by the road. Tony said, "let's go, let's get out of here," I told David, "Let's go. Shut the tailgate," He was starting to pull the tail gate shut and walk around and got in the truck. We went back out pretty much they way we came down. When we were pulling out of the woods, I think David did say something about they would freak out when they found the boy. Like they'll freak out when they find him. We went into town and I dropped Tony off first around a store a block past Reuter Street. When I stopped to let Tony off, I flipped thru the money David had given me earlier. I gave them some of it. It was between \$400 to \$500 dollars. Tony got out of the truck and we drove off. I told David I'm going to get my shit and split and get out of town. David said, "I'm gonna get some money in a few days." It seems like he said something like \$5,000 and he wanted me to wait until he got the money and we'd both leave together. At that time I figured he was talking about the Dude at the store. I dropped him off at his car. I drove over to my grandmother's house. I had some clothes out in the garage and I went in there and changed and put the clothes I had on in a paper sack with some other trash. The next morning when I went to work I threw them, along with the drop cloth, in the dumpster by the 7-11 at 15th and Bosque. I called David a few times after that but couldn't


  
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catch him at home. A couple of week's later I called over to his mother's house and he was there. I told him to come pick me up. When he drove up he was in a different car, a station wagon. I got in the car with him and I asked him about the car and he said he just got it. I asked him where he got it and he had got some money. He said, no, the he had talked to the Dude a couple of times but he hadn't got it yet. I told him I didnt't care if he had or not. We were almost out of beer and he said, "Let's go over to the store and get some." We went to the store there on Herring and David said, "Let's go in and I'll ask him about the money." I got the feeling that David just wanted to show me he hadn't got any money yet. When we walked in there was another guy behind the counter. It seemed like he was a foreigner. He was big and dark complected. He was sitting there listening to the radio. Deeb was there and we walked over to him. David spoke to him and we walked over to the end of the store away from the other guy. Deeb said something about what are ya'll up to. David said, "We're just riding around drinking beer." David said, "You remember Gilbert," and Deeb nodded and said, "Yeah." And I spoke to him. David said, "I just ran into him (me) and we were riding around. He (David) told Deeb that I had asked him about the mony and I told him, "Yeah, you was gonna get it." That I had been by here a couple of times. Deeb said, "Yeah, I'm gonna get it." He said, "You know I got the money but I got to take care of all the bills for the store first because it was the end of the month." David looked at me and said, "Yeah, he's good for it." Like he knew Deeb had plenty of money. David said

  
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something to Deeb like, "Gilbert just got out of jail and we're both low on money. We know how it is." There weren't any threats made but I got the impression that the reason we went there was that David wanted to let Deeb know that we expected to get some money and it kind of seemed like Deeb took it as a threat because it seemed like Deeb was wanting David to vouch for him. Before we left, David walked over and got some beer. He told Deeb, "I'll take care of this (pay) later when I get paid," and Deeb nodded like it was okay.

When we got in the car I told David, "That mother fucker ain't gonna give you any money," and he (David) said, "Yeah, he's good for it, he's got money." I told David, "If he's got money, why don't he go get it." And David said, "It was because it was the end of the month and he had a lot of bills from the store."

David said, "He's gonna pay us. He ain't gonna fuck us around." It was said like he knows better. I said, "You know him. You take care of that shit."

We rode around after that and I asked David, "Did you get rid of all that shit?" (I was talking about the stuff from out at the lake) and he said, "Yeah, I burned it." I said something about my pocket knife being missing, and he didn't say anything, so I came back and said, "I think I lost it at work." I wanted to change the subject so I said, "I don't know nothing about that shit," and he said, "Yeah, I don't either," and we didn't talk about it anymore.

I don't remember seeing my pocket knife anymore after that night out at the lake but I could have lost it at work. It was a small, cheap knife made like a buck knife with wood grain looking handles, with the blade open, it would have been about six inches long and it was all beat up.

The above is a true and correct statement and happened in the City of Waco, McLennan County, Texas. There are 10 pages to this statement.

Gilbert Melendez  
GILBERT MELENDEZ

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Jan Calamia  
NOTARY PUBLIC in and for  
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STATEMENT FORM. WARNING BY MAGISTRATE.

VOLUNTARY STATEMENT OF GILBERT MELENDEZ.

I, GILBERT MELENDEZ, after having been first duly warned by

John Casariss

who is the Justice of The Peace Act. # 1 of

McLennan County, Texas, at 528 o'clock, P.M., at

The Court house Annex on the 18 day of

January, 1985, 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;
- G.M.* (4) I have the right to terminate the interview at any time;
- (5) I have the right to request the appointment of counsel 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 TRUMAN SIMONS.

My name is GILBERT MELENDEZ.

I am an inmate in the McLennan County Jail.

Around the last part of June or first of July, 1982, David and I were riding around one day and we started talking about some dope and he said that he had a friend that got ripped off for a bunch of dope and that he was willing to pay somebody to get his money. He said that his friend had fronted a bunch of speed or crank, to these people and that he either wanted the dope or the money and that he was willing to pay somebody to get it back. I asked him how much

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dope and he said it was a bunch. I told David that it wasn't worth it to get mixed up in that kind of shit and he said that the guy had a lot of money and was willing to pay good to have somebody do it. I ask who the people were and it seems like he said it was a chick and a dude. I know he said something about a chick. I told him I wasn't interested in getting mixed up in that kind of shit and he said he was thinking about doing it, and said something about his friend being willing to pay good money. He didn't say how much.

One afternoon, I believe it was a few days after that, it was late in the evening or close to being dark, David and I were riding around. We decided to get some beer. David drove over to the store where Herring and Lyle Streets run together by the Methodist Home. David said let's go in and get some beer. I know the guy that owns the store. We went inside. David started talking to a guy. He told the guy this is Gilbert, a friend of mine. He's the one I told you about. I think David told me what the guys name was but I didn't pay that much attention to it. I know now that the guy's name is Muneer Mohamad Deeb. David told Deeb, "I told him about you getting ripped off and wanting to get your shit back." Deeb kind of nodded, and acted nervous or up tight like he didn't like David talking about it. Deeb kind of changed the subject and started talking to David about what he had been doing and that kind of stuff. It seemed like Deeb was real uncomfortable so I went and got some beer and left them alone. We left the store a little while after that. After we left, David started talking about how much money the guy had and that he owned the store, and would pay good to get his money back or scare the people.

July 13th, 1982

I was doing construction work on some condominiums over by Hillcrest Hospital. I got off work at approximately 4:30 p.m. I started walking to my grandmothers house at 15th and Bosque, cutting across town. I saw Spence and Tony around the intersection of 15th

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and Colcord they stopped and picked me up. They were in David's car. We stopped at the store there at 15th and Colcord and bought some beer. We rode around drinking beer and smoking pot. We rode north on 18th and I think we stopped and got some more beer. Then rode out to Valley mills Drive. It didn't seem like we were going any place in particular. I remember driving through the parking lot at Click's on Valley Mills Drive.

We drove down through Koehne Park and didn't see anyone that we knew. We went back up on Valley Mills Drive and bought some more beer and rode around some more. A little while later we drove back down through Koehne Park. It was starting to get dark or late in the evening. We turned right when we got into the park and drove down to the gravel area. I remember a car and a pickup parked at the top of the hill and some people standing around drinking beer. I remember a Grand Prix or Monte Carlo being parked about halfway down the hill. I remember a Black Dude in a car talking to some people. Spence made a comment like, "What's a fuckin' nigger doing out here." We didn't see anyone that we knew so we left and drove over to the other side of the park to the area called the circle. As we drove into the circle, I remember seeing two cars, a small one and a larger car. As we pulled in, Spence made a comment like, "I know those people, let's stop and check them out. They're the ones I told you about that ripped that dude off." I said, "Man, fuck that shit." (I didn't want to stop.) He stopped the car and said I just want to stop and talk to them. He opened the door and started to get out. He yelled out and it seemed like he called one of them by name and I thought he knew them. One of the girls (the brunette) answered and it was like David called her by the wrong name. And she told him what her name was and it was similar to what David had called her. Tony got out of the car and walked over to where they were. David asked them, "What are ya'll up to," and they said something like they were just drinking a few beers. I stayed in the

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car and they stood around and talked for a while. David asked them if they wanted to go to the store with us and get some beer and get high. The brunette seemed like she was willing to go. She asked the boy and the blonde if they wanted to ride up to the store or wait there. They said it didn't make any difference, that they could wait there. David said something about we could all get in the car, that there was plenty room. Something was said about us having some pot and that we could smoke it on the way to the store. They all decided to go and got in the car. David got in on the driver's side. The blonde got in the middle, in the back; the boy got in on the driver's side in the back seat; and I was on the passenger side in the back; the brunette got in the front; and Tony was on the passenger side in the front. Tony asked them something about if they lived around here and it seems like the boy said he lived in Waco but that the girls were from out of town. When we started to pull out, David was backing around and something was said about a car, like don't hit my car or I hope nobody messes with my car. Anyway, that was when I found that the smaller car was theirs. The only thing I remembered about it was that it had some kind of stickers on the rear window. Something was said about a radio station by one of the girls. Tony asked the blonde if the boy was her old man (boyfriend). She said no, that he was just a friend. At this point, I have been asked to describe the three people.

THE BLONDE:

I remember that she was real white or fair complexion. She had blonde hair about shoulder length. Seemed like it might have a little wave to it. It wasn't straight. Her hair looked like it was dyed because it seems like the roots or close to her scalp was darker and it didn't look natural. She wore a lot of eye makeup. She was small and thin. She had on some kind of top where her shoulders showed, like a tube top. I don't remember what her shoes were but they were some kind where you could see her feet in them

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*C.M.*

*John Salinas*  
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like sandals but they weren't sandals. I remember the blonde as being about 5' tall. She was smaller than the brunette.

THE BRUNETTE:

Dark brown hair, kind of wavy, to her shoulders. Kind of dark complected. Heavier than the Blonde but not fat. Had a big smile. When she smiled, she showed a lot of teeth. More friendly and talkative than the blonde. She was about 5'4". She had on make-up around her eyes but not as much as the Blonde. I don't remember much about how she was dressed.

THE BOY:

He was kind of tall, small framed. I wouldn't say he was skinny, brown hair, he looked like one of the regular people you would expect to see out there. His hair was about medium length. He had on blue jeans and a colored pull over shirt.

We started to drive off. Spence said something about the Brunette having some big tits and looked around at me, it seems like the boy said something or laughed. She (the brunette) said, "Don't be talking like that." David said something like, "Well you do (have big tits)", and they kind of argued back and forth for a moment. Spence reached over and grabbed one of her breasts and she pushed his hand away and told him to stop it. She asked him "What's the matter with you?" "What are you doing?" David said, "I'll grab it if I want to." He had pulled over to the side of the road. He was trying to pull her top off and she was fighting him. She yelled at him, "What's the matter with you, are you crazy?" David slapped her and said, "Shut up. No bitch is going to tell me what to do." She stopped fighting back and didn't do anything, like she was scared. David drove the car forward off into some trees and stopped. The boy said, "What's going on, man?" I told the boy to shut up. David opened the door and got out. He told everybody to get out. The girl in the front got out. Tony opened the door and got out. He told Spence, "Man, you're crazy." Spence told Tony to come around on his side of the car to make sure they don't run

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off. Tony went around behind the car to the driver's side. The boy, the blonde and I all got out on the driver's side. David told everybody to come around to the front of the car. They were standing kind of in front of the car and Spence was in the middle, in front of them with Tony on one end and me on the other end. I don't remember the exact conversation but Spence started talking to them about ripping off somebody for some drugs or money. I figured he was talking about the dude at the store and I thought they knew what he was talking about. The brunette said, "I don't know what you're talking about." And the boy said, "Man, we ain't ripped anybody off for nothing." David told the girls to take their clothes off. They said something but I don't remember what. That's when I first remember seeing a knife. David kind of flashed the knife and said if they didn't take their clothes off, he'd kill them. One of the girls said something like, we've got some money, you can have it. David yelled at them to take their clothes off and was calling them bitches and cunts. He said for somebody to get something to tie the boy up with. I asked what and he said something under the front seat. I went to the car and looked around for a while. I finally found a rag or towel under the seat. I didn't pay much attention to it. I took it back to David. As I came around the car, I noticed that the girls had undressed and were standing there naked. They were trying to cover themselves up as best as they could. I have described the brunette earlier in this statement as being dark, complected but when I saw her undressed, I noticed that she was real white where maybe a bathing suit had covered her. In other words, she just had a good tan. I gave the rag to Spence and he didn't tie the boy then, he just grabbed the brunette by the arm. He said I'm gonna go over here with her. One of you'all watch him. He then said, "Gilbert, you can go with her," pointing to the blonde. I gave Tony my pocket knife and I told her to come on around here to the car. I opened the door on the passenger side and she got in the front seat. I heard Spence tell

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Tony to bring him over here so he can watch me fuck this cunt.

I put the Blonde in the front seat. She was scared. I told her I wouldn't hurt her. She said, "Okay, don't hurt me, I'll do what you want." I had sex with her. When we got through, I told her to go with me. We walked to the front of the car toward Tony and the boy. I told Tony, "I'll watch him, give me the knife." Tony and the boy had been sitting down when I walked over. They both stood up. I told the boy to sit back down. Tony walked over to the Blond and took her back to the car. I knelt down there beside the boy. I could see the image of David and the Brunette about 20-25 feet away. I could hear David talking and the girl was making some moaning sounds like she didn't like what was going on. I don't know if she was gagged or not. I don't remember he saying anything that I could understand. At one point, I remember hearing David say something like, "You like that don't you, move faster." It looked like David had the knife up by her face. Later, it looked like he had his face down on her breast and at one time he was kneeling over her, it was getting darker and at the angle they were at from me, I couldn't really tell what he was doing to her. The boy was just sitting there and didn't say anything. As best as I can remember, his hands were tied. Tony and the Blonde got out of the car and walked toward the front. Spence got up and said one of ya'll come over here and watch her. I told the boy to stay where he was at, he was sitting down. I walked toward the Brunette and David walked over to Tony and the Blond girl and told Tony to watch the boy. He wanted to be with the Blond, they weren't that far apart, Tony, the Blond and the Boy, when David walked that way. He was kind of in the middle of them all. She was still lying on the ground. David said something to me like, hey you want to get you

  
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some of that, it's pretty good. I hated to cut her tits. I walked over and knelt down beside the Brunette and David took the Blonde to the car. When I knelt down beside the Brunette she was lying on her side, I said, "Hey, she didn't say anything." It was like she was sobbing or crying but quiet and it looked like she was hurt or bleeding. I thought she had been cut. I didn't look to see exactly where. It seem to be her chest or shoulder so I stood up and walked away 3 or 4 feet and was looking around. I remember seeing the Blonde sitting in the front seat. It looked like David was moving around in the car like he was looking for something. I thought at the time maybe he was looking for a beer. The next time I looked around toward the car, I didn't see David or the Blonde. I heard some sounds coming from the car like the girl was moaning. It didn't seem like Spence spent a lot of time in there with her. When David got out of the car, he closed the door and left the Blonde in there. I told David to come to where I was at so I could go check things out. David walked over and handed me some money, and said put this in your pocket. We had heard some cars driving around and they sounded close. Tony told the boy to get up and walked over by the car where the Blonde was. When David got over to where I was, I walked off behind the car to see if I could see any one.

It was dark by now but I could still see images. I heard a noise. It sounded like David and the girl were fighting like he was hitting her. I couldn't see very well but at the time it looked

  
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like he was hitting her she was making a noise but it was muffled and I thought maybe he had his hand over her mouth. She was still lying down and he was down on his knees over her. The boy said, "What's going on?" Tony yelled at him to shut up. The girl stopped moving and quit making noise. David stayed over there by her for a little while then he went over to where Tony and the boy were. The Blonde was still in the car with her head down like she was crying. I walked to the back of the car toward the right of the car and was looking around. I could see Tony and the boy by the front of the car, the Blond girl was sitting in the front seat of the car and Spence was with the Brunette when David walked back to the car. I had walked back around towards the back of the car between the car and the road. I could hear cars. They sounded like they might be coming down the road. That's when David came up to the boy. The boy was sitting on the ground in front of the car. David told him to get up and kind of reached and grabbed him by the shirt and helped him get up. The boy said something like, "Man I haven't done anything." David said, "Yeah, you ripped him off." David said somebody's name and told the boy, "Yeah, you been fucking around with the guy's old lady (he called the name again but I didn't snap on it at the time)." The boy said, "No we were just friends." Spence said, "Naw, mother fucker. He walked in and caught ya'll fucking around on the couch or on somethin." Spence said, "You fucking punk", and kind of hit him in the head. Spence had him by the throat and was kind of like sticking him with the knife. The boy was like backing up and backed into the car. He was making a

  
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noise like he was trying to hollar but couldn't because Spence had him by the throat. When he backed in to the car, Spence stabbed him several times and then just kind of pushed him and the boy fell to the ground. Spence pushed his leg up against him to keep him from rolling over on his stomach. Spence knelt down beside him. The boy was making sounds like he was hurt real bad. They were gasping sounds, like he was having a hard time breathing. Spence stayed knelt down by him until the boy quit moving and quit making sounds.

When David got up, he said, "Get the girl out of the car." Tony was standing approximately two to three feet from the passenger side door. Tony opened the door. She kind of looked out at David. Tony told her to get out. She got out of the car. David walked over to where they were. They had walked up to about the front fender on the passenger side. David was talking real fast. I can't remember everything he said. I remember him saying, "We can't let her go, she knows what's going on." She said, "I won't say nothing." David said, "We can't let her go. She's seen too much." She came back and said, "I didn't see anything. Please let me go." David kept repeating, "We can't let her go." The girl was crying and pleading. David kept saying, "If we don't do something to her, we'll get caught and you know what that means." He said, "I killed them two." He said we're all in this shit. "I killed them." David had the knife and he handed it to Tony. The girl was standing against the car and David and Tony was in front of her. She made a sudden move like she was fixing to take off. David reached out to stop her and Tony reached out at the same time and pushed her back

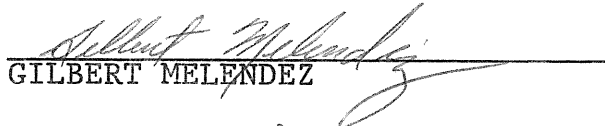
  
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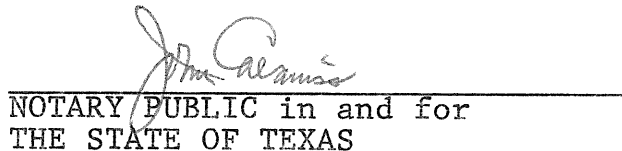
  
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against the car. Tony started hitting (stabbing) her with the knife. It looked like someone put their hand over her mouth because she wasn't hollering. She was struggling, trying to get away but she couldn't. David was helping hold her. Tony hit her with the knife several times. I don't know how many. They stepped back and she kind of came forward off the car and fell to the ground. Tony dropped the knife and walked off back toward the rear of the car. David knelt down beside the girl and picked up the knife and stayed there beside her for a while, like he was making sure she was dead or wasn't going to get up. Tony walked back behind the car. I walked around the car back to where David was and I saw Tony coming back up to the car. I said, "Let's go, let's get the fuck out of here." David said, "Ok but we can't leave them here, somebody might have seen us drive through here." I said, "Man, I don't want to fuck with it." And started walking off. He said, "Hey, where are you going Bro. We gotta get your truck." David said we couldn't put them in the car, some one might have seen us when we were riding around the park. We agreed about getting the truck. David said he knew a place we could take them out to at Speegleville. I told him I didn't want to fuck with it. He said some one might have seen us and that we couldn't leave them there. We decided to get the truck. It seems like while we were talking, David open and closed his trunk of his car. I think he put their things in there, whatever they had so none of that would be laying around. Tony and I got in the car and left. David stayed. We

  
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left, and went to get the truck out at Bosqueville. Tony drove the car. We went to David's mother's house, went back to the park, when we got there, David was sitting or standing around one of the tables. I backed up where the curve was and Tony stayed by the truck and me and David went through the trees to get them. We got the Blond first and I noticed that her legs were tied. I carried her by her legs and David had her by her shoulders, her hands must have been tied because I didn't see them hanging down and it looked like she had something tied around her mouth. When we got her to the truck and put her in the back of the truck I saw that her hands were tied behind her back and that she had something tied around her mouth. We got the boy next and the other girl, the Brunette. We carried them back the same way we did the Blond and they all were tied the same way. David and I covered them with an old drop cloth that I had in the back of the truck and we got in the truck and left. I drove, Tony in the center, David by the window, passenger side. When we left, we went up the hill. There is a road about halfway up the hill that cuts through a residential area to Hwy. 6. Tony said, "Let's go through here." I said, "No, let's go on up further." We went up by the hill top store and cut through to Fish Pond Road. We went down it and missed the turn to Hwy 6. We stopped and backed up then went to Hwy. 6 across the lake and took the first exit ramp. I said something to Spence about, you're not thinking about turning here are you? It was by a trailer at the gate and he said, "No" and pointed for me to go past that, from then on he showed me where to


  
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go. We angled off down a side road. It was paved. We went down the road a little way and it turned into gravel. We went a short way on the gravel and turned right on to a dirt road. We drove for a short distance then back on a paved road then angled off on to a dirt road that curved around into a wooded area. We stopped in the wooded area. I left the parking lights on and we got out, I said, "Let's hurry up." Spence and me unhooked the tailgate and let it down. I told Tony to watch and to see if anyone was coming. He walked back up the road a little ways. Me and David took the Brunette out first. I carried her by her feet, Spence carried her by her shoulders. We carried her out into the trees. We came back and got the Blond girl out. We carried her out in the woods the same area the first girl was but not as far as the first girl and we put her down. I walked off and Spence stood there by her for a few minutes. Then he walked over by the other girl and stayed by her for a while. It looked like he was moving them around or checking them to make sure they were dead. I said to David, "Hey come on, let's hurry up and get out of here." David came over by the road where I was and said, "Let's pull up a little and put him off." He said, "Pull up, I'll walk in front of you," Tony was walking behind the truck. I told him to get in, let's go. We both got in the truck. David was walking in front of the truck, I pulled up a ways to the right of a "Y" in the road. David motioned for me to stop. David walked by toward the back of the truck. The trees and bushes were almost next to the truck, when I opened the door. I told David I was going to walk up in front of the truck and make sure no one

  
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was coming. David said, "yea, I can get him or I'll get him." Tony opened the door but I don't think he got out. I walked up in front of the truck a little ways. I felt sick, I stopped and vomited. I looked around. I didn't hear any cars. I walked back to the truck. David already had the boy out and was moving around in the bushes by the road. Tony said, "let's go, let's get out of here," I told David, "Let's go. Shut the tailgate," He was starting to pull the tail gate shut and walk around and got in the truck. We went back out pretty much they way we came down. When we were pulling out of the woods, I think David did say something about they would freak out when they found the boy. Like they'll freak out when they find him. We went into town and I dropped Tony off first around a store a block past Reuter Street. When I stopped to let Tony off, I flipped thru the money David had given me earlier. I gave them some of it. It was between \$400 to \$500 dollars. Tony got out of the truck and we drove off. I told David I'm going to get my shit and split and get out of town. David said, "I'm gonna get some money in a few days." It seems like he said something like \$5,000 and he wanted me to wait until he got the money and we'd both leave together. At that time I figured he was talking about the Dude at the store. I dropped him off at his car. I drove over to my grandmother's house. I had some clothes out in the garage and I went in there and changed and put the clothes I had on in a paper sack with some other trash. The next morning when I went to work I threw them, along with the drop cloth, in the dumpster by the 7-11 at 15th and Bosque. I called David a few times after that but couldn't

  
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catch him at home. A couple of week's later I called over to his mother's house and he was there. I told him to come pick me up. When he drove up he was in a different car, a station wagon. I got in the car with him and I asked him about the car and he said he just got it. I asked him where he got it and he had got some money. He said, no, the he had talked to the Dude a couple of times but he hadn't got it yet. I told him I didnt't care if he had or not. We were almost out of beer and he said, "Let's go over to the store and get some." We went to the store there on Herring and David said, "Let's go in and I'll ask him about the money." I got the feeling that David just wanted to show me he hadn't got any money yet. When we walked in there was another guy behind the counter. It seemed like he was a foreigner. He was big and dark complected. He was sitting there listening to the radio. Deeb was there and we walked over to him. David spoke to him and we walked over to the end of the store away from the other guy. Deeb said something about what are ya'll up to. David said, "We're just riding around drinking beer." David said, "You remember Gilbert," and Deeb nodded and said, "Yeah." And I spoke to him. David said, "I just ran into him (me) and we were riding around. He (David) told Deeb that I had asked him about the mony and I told him, "Yeah, you was gonna get it." That I had been by here a couple of times. Deeb said, "Yeah, I'm gonna get it." He said, "You know I got the money but I got to take care of all the bills for the store first because it was the end of the month." David looked at me and said, "Yeah, he's good for it." Like he knew Deeb had plenty of money. David said

  
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something to Deeb like, "Gilbert just got out of jail and we're both low on money. We know how it is." There weren't any threats made but I got the impression that the reason we went there was that David wanted to let Deeb know that we expected to get some money and it kind of seemed like Deeb took it as a threat because it seemed like Deeb was wanting David to vouch for him. Before we left, David walked over and got some beer. He told Deeb, "I'll take care of this (pay) later when I get paid," and Deeb nodded like it was okay.

When we got in the car I told David, "That mother fucker ain't gonna give you any money," and he (David) said, "Yeah, he's good for it, he's got money." I told David, "If he's got money, why don't he go get it." And David said, "It was because it was the end of the month and he had a lot of bills from the store."

David said, "He's gonna pay us. He ain't gonna fuck us around." It was said like he knows better. I said, "You know him. You take care of that shit."


We rode around after that and I asked David, "Did you get rid of all that shit?" (I was talking about the stuff from out at the lake) and he said, "Yeah, I burned it." I said something about my pocket knife being missing, and he didn't say anything, so I came back and said, "I think I lost it at work." I wanted to change the subject so I said, "I don't know nothing about that shit," and he said, "Yeah, I don't either," and we didn't talk about it anymore.

I don't remember seeing my pocket knife anymore after that night out at the lake but I could have lost it at work. It was a small, cheap knife made like a buck knife with wood grain looking handles, with the blade open, it would have been about six inches long and it was all beat up.

The above is a true and correct statement and happened in the City of Waco, McLennan County, Texas. There are 16 pages to this statement.

  
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