

THE STATE OF TEXAS

VS.

DAVID WAYNE SPENCE

FILE  
COPY

IN THE DISTRICT COURT  
54TH JUDICIAL DISTRICT  
MCLENNAN COUNTY, TEXAS

TESTIMONY OF DEANDRA GAYLE KELLEY

A P P E A R A N C E S

FOR THE STATE:

MCLENNAN COUNTY DISTRICT ATTORNEY  
MCLENNAN COUNTY COURTHOUSE  
WACO, TEXAS 76701

BY: HON. VIC FEAZELL, District  
Attorney, and HON. NED BUTLER,  
Assistant District Attorney

FOR THE DEFENDANT:

FULBRIGHT, WINNIFORD, BICE & MARABLE  
A PROFESSIONAL CORPORATION  
5400 BOSQUE BOULEVARD  
WACO, TEXAS 76710

BY: HON. RUSSELL D. HUNT

-and-

SHEEHY, LOVELACE & MAYFIELD  
PROFESSIONAL CORPORATION  
1200 AMERICAN-AMICABLE BUILDING  
WACO, TEXAS 76701

BY: HON. L. HAYES FULLER III

BE IT REMEMBERED that on this the 22nd day of May, A.D.,  
1984, the above and foregoing entitled and numbered cause  
came on for Hearing before said Honorable Court, Hon.  
George Allen, Judge presiding, whereupon, among other proceed-  
ings, the following testimony was elicited from Deandra  
Gayle Kelley, to-wit:

\* \* \*

DEANDRA GAYLE KELLEY

called as a witness on behalf of the State of Texas, and  
having been first sworn, testified as follows, to-wit:

DIRECT EXAMINATION

BY MR. FEAZELL:

Q Will you state your full name for the record? That's  
not working, Hon, none of them are.

A Deandra Gayle Kelley.

Q Okay. Now, we need for you to talk loud enough, Gayle,  
that the last people over here can hear you. If we  
have a real bad problem, we will turn that on, but it  
has a buzz in it. So, if you can talk loud enough that  
they can hear you, that will help. Also, this man  
sitting between us is going to take down every word you  
have to say. So, we will need for you to answer out  
verbally, instead of headshakes, all right?

A All right.

Q Okay, your name is Deandra Gayle Kelley?

A Yes, sir.

Q But you go by Gayle, is that correct?

A Yes, sir.

Q Okay. Now, Gayle, you need to try to speak up louder,  
okay?

A Okay.

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Q Gayle, were you living in Waco during the year 1982?

A Yes, sir.

Q Where were you living during the first part of 1982?

A The Methodist Home.

Q And by "The Methodist Home," you're talking about the Methodist Children's Home over on Herring?

A Yes, sir.

Q When did you move into the Methodist Children's Home?

A It was October of '80.

Q October of '80?

A Yes, sir.

Q And how old were you then?

A Fifteen.

Q Fifteen. How old are you now, Gayle?

A Eighteen.

Q And we noticed when you walked in that you're pregnant.

A Yes, sir.

Q How many months?

A Eight.

Q Eight. Now, Gayle, if at any time you need a break to go to the restroom, if you will just let me know, we will talk to the Judge and let the Judge know, okay?

A Yes, sir.

Q Now, you lived there at the Methodist Home until what

1  
2 date, the last time you left?

3 A July 23rd.

4 MR. FEAZELL: Can everybody hear all right?  
5 Or would you rather have that on?

6 THE COURT: Can you hear all right?

7 A JUROR: Barely.

8 THE COURT: Well, just keep your voice up, if  
9 you would, please.

10 BY MR. FEAZELL:

11 A July 23rd.

12 THE COURT: Would ya'll rather have the  
13 microphone turned on? Would it be better?

14 MR. FEAZELL: Do you think it would?

15 (Whereupon, Court stood at ease  
16 momentarily.)

17 BY MR. FEAZELL:

18 Q Gayle, will you say your name, so we can see how it  
19 works.

20 A Gayle Kelley.

21 MR. FEAZELL: Is that too loud, too much of  
22 an echo?

23 BY MR. FEAZELL:

24 Q Gayle, while you were living at the Methodist Home, did  
25 you get to know a young fellow by the name of Kenneth



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Franks?

A Yes, sir.

Q How did you get to know Kenneth? Where did you meet Kenneth?

A At the Home.

Q He was also living there?

A Yes, sir.

Q Okay. Did you get to know Kenneth pretty well?

A Yes, sir.

Q How long -- I mean, about when did you meet Kenneth?

A He was one of the first people I met when I arrived at the Home.

Q Okay. So, you met him when you first got there?

A Yes.

Q Did ya'll get to be friends?

A Very, very close friends.

Q How would you describe your relationship with Kenneth?

A More of a brother-sister relationship.

Q Okay. But in addition to be a brother-sister type relationship, would you consider yourselves as being pretty close?

A Yes, sir.

Q Okay. Gayle, I'm going to show you a picture, it's already been introduced into evidence as State's

1  
2 Exhibit 2. I'm going to ask you, do you recognize that?

3 A Yes, sir.

4 Q Who is it?

5 A Ken Franks.

6 Q And does that look like Ken, the way he appeared?

7 A Yes, sir.

8 Q During the last few months you knew him?

9 A Yes, sir.

10 Q While you were at the Methodist Home, did you also get  
11 to know a girl named Jill?

12 A Yes, sir.

13 Q When did you meet Jill?

14 A When she first arrived at the Home.

15 Q Do you remember about when that was?

16 A No, sir.

17 Q Okay. I'm going to show you State's Exhibit 4, and ask  
18 you, do you recognize the girl with the brown hair?

19 A Yes, sir.

20 Q Who is that?

21 A Jill Montgomery.

22 Q Does that look like Jill, as you knew her, right the  
23 last few months?

24 A Yes, sir.

25 Q Now, you described your relationship with Ken as a

1

2

brother-sister relationship. Did ya'll do things  
together?

3

4

A Yes, sir.

5

Q What kind of things did you do together?

6

A Well, occasionally, we would go out to lunch. We did a  
lot of school activities together.

7

8

Q Were ya'll allowed off-campus together?

9

A Yes, sir.

10

Q What did you use for transportation when you would go  
off-campus during the time that you both lived there?

11

12

A Mr. Franks would come and pick us up at the Home.

13

Q Richard Franks --

14

A Yes, sir.

15

Q -- his daddy?

16

A Yes, sir.

17

Q Did you get to know Richard Franks?

18

A Yes, sir.

19

Q Did you get along with Richard Franks?

20

A Yes, sir.

21

Q I believe you helped plan Kenneth's last birthday party?

22

A Yes, sir.

23

Q Who did you plan that party with?

24

A With Mr. Franks.

25

Q Was it a surprise?

1  
2 A Yes.

3 Q It was supposed to be, anyway?

4 A Yeah. It was supposed to have been.

5 Q Okay. Mr. Franks, was he aware of ya'll's relationship?  
6 He knew ya'll were good friends?

7 A Yes, sir.

8 Q When did Kenneth move away from the Methodist Home?  
9 Just approximately?

10 A It was right before school let out for the summer, I  
11 believe, April or May.

12 Q Of 1982?

13 A Yes, sir.

14 Q And it's been a little over two years since then,  
15 hasn't it?

16 A Yes, sir.

17 Q Have you changed some since then?

18 A Yes, sir.

19 Q Well, you have gotten pregnant since then?

20 A Yeah. Uh-huh.

21 Q Gained just a little bit of weight?

22 A And I've let my hair grow out longer.

23 Q Okay. When Kenneth moved away from the Methodist Home,  
24 did he have any kind of transportation then?

25 A Yes, sir. His father bought him a motorcycle.

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Q What kind of motorcycle?

A If I'm not mistaken, it was a Yamaha.

Q But I'm wondering, how big was it? Was it a big, what they call a "Chopper" bike?

A No. It wasn't a "Hog," sir. It was a smaller bike.

Q Just a little road bike?

A Yes, sir.

Q Okay. Mainly just for getting around town, wasn't it?

A Yes, sir.

Q Did Kenneth ever take you for rides on his motorcycle?

A Yes.

Q You would jump on the back and ya'll would just ride around?

A Yes.

Q Would you go anywhere in particular when you would go riding around?

A A most frequent place was Koehne Park, O-6.

Q Okay. You said the most frequent place was Koehne Park, and then you said "O-6." What is "O-6"?

A O-6 was just a name that the kids would call it. But most of the time we would call it "our area."

Q So, the kids called it sometimes "O-6" Park"?

A Yes, sir.

Q Would that have been because of old Highway 6 used to

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go through there?

A Yes, sir.

Q And it went from "Old 6" to "O-6"?

A Uh-huh.

Q Okay. So, it was Koehne Park, O-6, and I think I just heard you say, we called it "our area."

A Yes, sir. There was a group of us that called it that, because we would be out there almost every night.

Q A whole group of you called it "our area"?

A Yes, sir.

Q What group was that?

A Ken Franks, myself, Patrick Torres, Bobby Brim, and that's about all of us.

Q Ya'll were the ones that went there most regular, didn't you?

A Yes, sir. And Patty Diaz.

Q Patty. Now, that's the same Patty Diaz that's in Germany in the, what, Navy, or Army?

A In the Army.

Q In the Army now. Okay. Did you consider all of Koehne Park your area? Or was there just a certain part of Koehne Park that was your area?

A There was just one particular place.

Q And what part of the park was that?

1  
2 A It was off down toward -- it was a circle. Once you  
3 went in, you would have to go down into a highway to get  
4 to it. And it was secluded, there was only one way in  
5 and one way out.

6 Q Okay. Gayle, right now we've already got in evidence  
7 an aerial picture of Northwest Waco, State's 14. I  
8 would like for you to come down here and stand with me  
9 just for a second. I'm going to give you a test, okay?  
10 Here is Valley Mills Drive. Here's the big hill by  
11 the lake. Show the jury, if you can -- and this right  
12 here, I will go ahead and tell you, that's Koehne Park.  
13 Are you situated? Okay, right -- where? Right here?

14 A (Mumbling.)

15 Q At the little circle. Is that what ya'll call it, too,  
16 the circle?

17 A (Mumbling.)

18 THE REPORTER: I'm sorry, but I can't hear you.

19 THE COURT: You're going to have to speak up.

20 MR. FEAZELL: She called it "our area."

21 Okay, thank you, Gayle.

22 BY MR. FEAZELL:

23 Q Gayle, how many times a week would you and Kenneth go  
24 to your area?

25 A As often as we could get out.

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Q And about how often was that?

A I would say three times, the max -- the maximum.

Q About three times a week?

A Yes, sir.

Q But as many times as you could?

A Yes, sir. And when I was out of the Home, it was every night.

Q When you were out of the Home, you went there every night. Now, when was it that you were out of the Home?

A The first time?

Q Well, when was it that you were going there every night?

A It was in June.

Q Of 1982?

A Yes, sir.

Q Okay. Who all would you go down there with every night?

A Patrick Torres, Kenneth Franks, Patty Diaz, and occasionally Bobby Brim.

Q Occasionally Bobby, too?

A Uh-huh.

Q Okay. But most of the time it was you and Ken, wasn't it?

A Yes, sir.

Q Were there other people who knew that ya'll went down to Koehne Park real regular?



1  
2 A A lot of the school kids from school. Or if anybody  
3 wanted to find us, they knew we would be down there.

4 Q Okay. So, it was just the general knowledge, if you  
5 wanted to find one of these folks, you might want to  
6 check Koehne Park at night, right?

7 A Yes, sir.

8 Q About how late would ya'll stay there in your area there  
9 at the circle?

10 A Sometimes all night, and sometimes 1:00 or 2:00 in the  
11 morning.

12 Q Okay. You didn't stay there all night too often, though,  
13 did you?

14 A No, sir.

15 Q Because Richard Franks kept pretty close tabs on  
16 Kenneth?

17 A Yes, sir.

18 Q Okay. Now, did you know that -- tell the jury whether  
19 or not you were aware -- well, did you know if Kenneth  
20 was in summer school or not?

21 A Yes, sir.

22 Q Was there any special restrictions, you were aware of,  
23 that was put on Kenneth while he was in summer school,  
24 about what time he had to be in?

25 A No, sir.

1  
2 Q Okay. He didn't mention that to you?

3 A No, sir.

4 Q All right. Gayle, while you were living at the Methodist  
5 Home, did you get to know a man by the name of Muneer  
6 Mohammed Deeb?

7 A Yes, sir.

8 Q What name did you call Mr. Deeb? Did he have a nick-  
9 name?

10 A Yes, sir. We called him "Lucky."

11 Q "Lucky." All right. How did you get to know Deeb?

12 A The first time I ever heard of Deeb was when some of  
13 the other girls at the Home told me he gave "pot" away.

14 Q Gave "pot" away?

15 A Marijuana. Yes, sir.

16 Q Okay. Some of the girls told you he gave away mari-  
17 juana. So, what did you do?

18 A I went over there and met him.

19 Q Okay. A lot of the girls were going over there to meet  
20 Mr. Deeb, weren't they?

21 A Yes, sir.

22 Q He had quite a reputation at the Methodist Children's  
23 Home, didn't he?

24 A Yes, sir.

25 Q Did he give away things other than marijuana?

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A Cigarettes, beer, Cokes, candy.

Q Just about whatever you wanted?

A Yes, sir.

Q Whatever was in the store?

A That's right.

Q How well did you get to know Deeb?

A Pretty well, sir.

Q And how did you get to know him well? Did you go over to the store a lot?

A Yes, sir.

Q Did you see him during the beginning weeks? Well, about when did you meet Deeb? Tell the jury that.

A I would say around the spring of '82.

Q Okay. Sometime in the spring of '82?

A Yes, sir.

Q During the spring of '82, were you just seeing him at the store, or did you start seeing him other places?

A No. Just at the store.

Q All right. When did you start working at Fort Fisher?

A It was during the school year of '81, I believe.

Q Okay. And when did you quit working at Fort Fisher?

A In the summer of '82.

Q Summer of '82?

A Uh-huh.

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2 Q Is it the summer of '82 when Deeb came over to visit  
3 with you at Fort Fisher a couple of times?

4 A Yes, sir.

5 Q Okay. But during the spring you were just seeing him  
6 at the store?

7 A Yes, sir.

8 Q Were you going to the store just as a customer, or to  
9 pick up things he would give you, or did you hang  
10 around and talk to him some?

11 A I would go over there to get things from the store and,  
12 also, to pick up "pot", and to talk to him.

13 Q Okay. Gayle, did Kenneth know Mohammed Deeb?

14 A Yes, sir.

15 Q And how did Kenneth know Mohammed Deeb?

16 A Through me.

17 Q Through you. You introduced them, or what?

18 A Well, sometimes Ken would go over there with me.

19 Q So, sometimes Ken would go to the store with you?

20 A He knew Deeb through other ways, from hearing some of  
21 the other girls talk, too. He knew that Deeb gave away  
22 "pot".

23 Q Okay. So, he found out about Deeb through some of the  
24 other girls at the Methodist Home?

25 A Yes.

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2 Q And, then, he met Deeb by going over there to the store  
3 a couple of times with you?

4 A Yes, sir.

5 Q Are you aware of whether or not Kenneth liked or  
6 disliked Deeb?

7 A He disliked him very much.

8 Q Disliked him very much. Why didn't Kenneth like Deeb?

9 A Deeb had a crush on me and Kenneth felt very protective  
10 of me.

11 Q Any other reason?

12 A I don't believe so, sir.

13 Q How about the first time he met Deeb, how did he feel  
14 about him then?

15 A Well, he didn't like the idea of Deeb giving younger  
16 kids "pot".

17 Q Okay. But, I mean, when he first met him, did you  
18 become aware of whether he felt neutral toward Deeb, or  
19 was it like hate at first sight, or what?

20 A Yeah. He was very hostile. Hate at first sight, I  
21 would say.

22 Q Any particular reason? Or Kenneth just didn't like him?

23 A He just didn't like him.

24 Q Okay. Now, when did Kenneth realize that Deeb had a  
25 crush on you?

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2 A Well, it was very obvious to anyone.

3 Q But about when? Shortly after he met him?

4 A Yes.

5 Q Okay. Was Kenneth openly hostile toward Deeb?

6 A On occasion, yes.

7 Q And tell the jury what you mean by -- I don't want to  
8 put words in your mouth -- so, what do we mean by --  
9 what do you mean by answering the question "Yes," when  
10 I say "openly hostile"?

11 A Sometimes we would be riding by on the motorcycle and  
12 he would flip him off, call him a "bastard." Just any-  
13 thing to annoy him.

14 Q Okay. You would be riding by the store?

15 A Yes.

16 Q And you said Kenneth would "flip him off." Tell the  
17 jury what that means, "flip him off."

18 A Give him the finger.

19 Q Okay. Make an obscene gesture at him?

20 A Yes.

21 Q And I guess -- did Deeb ever show you any signs, or did  
22 you ever figure out how Deeb felt about Kenneth?

23 A You could tell there was hostility.

24 Q Okay. So, Deeb didn't like Kenneth either?

25 A No, sir.

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Q Do you know why Deeb didn't like Kenneth?

A I think, to Deeb, he considered Ken my boyfriend..

Q Okay. He thought Kenneth was in the way of you and him having a relationship or something?

A I guess you could put it that way, sir.

Q Gayle, did you hang around the store a whole lot? I mean, did you spend long hours there? Or was it just kind of in and out?

A In and out.

Q Okay. So, you didn't go over and, say, spend eight hours at one time?

A No, sir.

Q Did you spend a lot of times playing the video games, or anything like that?

A No, sir.

Q Okay. Just kind of got what you wanted and got out?

A That's right.

Q Okay. How did you feel, Gayle -- and be honest with this jury -- how did you feel about "Lucky," about Deeb?

A He was a nice man, but I never considered him any more than a friend.

Q Okay. You didn't feel romantically inclined toward him, or anything?

A No, sir.

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Q Okay. Now, what do you mean by, "He was a nice man"?  
Are you being honest with the jury about that?

A Well, if he's going to give all of that stuff away.  
I mean...

Q Okay. So, that's what you mean by "nice man"?

A Yes, sir.

Q You're not telling this jury he was an upstanding  
citizen, or anything like that?

A No, sir.

Q Gayle, did you ever see a guy that you found out was  
named David Wayne Spence?

A On occasion.

Q Okay. Let's talk about prior to July 13, 1982. Did you  
ever see him?

A A few times at the Rainbow.

Q Did you ever talk to him?

A No, sir.

Q Did he ever talk to you?

A No, sir.

Q Never a word passed between you prior to July 13, 1982?

A No, sir.

Q Okay. How did you know his name was David Spence?

A Through Christine.

Q And who was Christine?



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A An employee for "Lucky." She worked at the Rainbow.

Q She worked at the Rainbow. Was she David's girl friend?

A Yes, sir.

Q And how did you know him through Christine? Tell the jury what you mean by that. I mean, know who he was.

A She would always talk about him. And I believe, one time, she pointed him out.

Q She pointed him out. Okay. Did you ever see David Spence prior to July the 13th anywhere besides at Rainbow store?

A On occasion out at Koehne.

Q Out at Koehne?

A Yes, sir. But not in our area.

Q Not in your area?

A No.

Q Well, how is it that you would see him out at Koehne, but he wasn't in your area, since you always went to your area?

A There is a strip of beach along before you get to Koehne -- before you get to our area -- before you get to the circle, there is a strip of beach right along in there.

Q Okay. Gayle, are you talking about -- if this is your area here -- are you talking about this strip of beach

1  
2 right here?

3 A Yes, sir.

4 Q And is that strip of beach visible, as you come down  
5 this hill on the road?

6 A Yes, sir.

7 Q And that's a little ways from the road into that strip  
8 of beach. How did you know the person you were seeing  
9 was David Spence?

10 A I recognized him.

11 Q And how did you recognize him? Is there anything  
12 distinctive about him?

13 A His eyes.

14 Q Could you see his eyes? I mean, did the car get that  
15 close, or the motorcycle?

16 A He was with a group of other bikers.

17 Q Okay. So, by the association, you knew it was Spence?

18 A Yes, sir.

19 Q Did you know a fellow named Gilbert Melendez? Or did  
20 you know who he was?

21 A I knew who he was. I had never met him.

22 Q And how did you know who Gilbert Melendez was?

23 A I had seen him with David Spence.

24 Q Had somebody pointed him out to you?

25 A No.

1  
2 Q How did you find out his name?

3 A Through Christine.

4 Q Through Christine. Okay. Because she had talked about  
5 him?

6 A Yes, sir.

7 Q Had you ever talked to Melendez, Gilbert Melendez,  
8 prior to July the 13th of '82?

9 A No, sir.

10 Q Okay. The time you saw -- or did you say time or times  
11 you saw Spence at Koehne? More than once?

12 A I would say at least twice.

13 Q Okay. Do you know whether Gilbert was with him on  
14 those occasions?

15 A On one time, yes.

16 Q One time you saw Gilbert?

17 A Yes, sir.

18 Q Gayle, do you know, or do you have any idea exactly  
19 when it was, or how close it was to July 13, 1982, that  
20 you saw David and Gilbert at that beach?

21 A No, sir, I don't.

22 Q Was it wintertime or summertime?

23 A Oh, I would say it was probably at the end of the  
24 school year, because that's when we most frequently went  
25 down there.

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Q Okay. Do you remember if you were on a motorcycle?

A Me and Ken?

Q Uh-huh.

A Yes.

Q That time? Or were you in a car? Or on Kenneth's motorcycle? Can you remember? The time you saw David and Gilbert? That might help us narrow it down.

A If I'm not mistaken, sir, we were in Patty's Thunderbird.

Q Okay. Do you know when Patty got her Thunderbird?

A When she graduated. It was a graduation present.

Q That year?

A Yes, sir.

Q So, then, that would have put it after graduation day, 1982?

A Yes, sir.

Q All right. Gayle, sometime around the first part of July, or last part of June, somewhere in there, did you decide to leave the Methodist Home?

A Yes, sir.

Q What did you do when you decided you were going to leave the Methodist Home?

A I went to work at Fort Fisher to get my check. And I called "Lucky" from Fort Fisher, to give me a ride to the bus station.

1  
2 Q So, you went to Fort Fisher to pick up your check, and  
3 then you called Deeb, to see if he would give you a  
4 ride to the bus station?

5 A Yes, sir.

6 Q Did he give you a ride to the bus station?

7 A No, sir. He told me he was going to Dallas to visit  
8 his brother, and that he would give me a ride to Grand  
9 Prairie, which is where I was going.

10 Q Okay. And did he, in fact, give you a ride to Grand  
11 Prairie?

12 A Yes, sir.

13 Q Were you going to Grand Prairie for keeps, for good?  
14 Or were you planning to stay just a little while?

15 A I was just going to stay for awhile.

16 Q Did Deeb know that?

17 A Yes, sir.

18 Q How did he know that?

19 A I told him I would call him.

20 Q And why were you going to call him?

21 A He told me he was going to be staying with his brother  
22 and that he would give me a ride back.

23 Q Okay. And did he, in fact, give you a ride back?

24 A Yes, sir.

25 Q Now, where did he give you a ride back to?

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A Patty Diaz's apartment.

Q And where was Patty Diaz living?

A The Northwood Apartments.

Q Northwood Apartments. Okay. How long did you stay there in Patty Diaz's apartment?

A One night.

Q One night. Where did you go after that?

A "Lucky" rented another apartment.

Q And where was that apartment?

A Also in Northwood.

Q And what did he rent that apartment for, Gayle?

A For me.

Q How come? Why did he rent you that apartment?

A I don't know.

Q You don't know?

A He wanted to.

Q Okay.

A But it was going to be my apartment.

Q It was going to be yours. You weren't expecting the two of you to live together in that apartment?

A No, sir.

Q Well, did you have any idea why he would be wanting to rent you an apartment, Gayle? If you know, fine; if you don't, you don't.

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A No, sir.

Q But since he was, you were willing to stay there?

A Uh-huh.

Q Okay.

A If he was going to pay the rent, why not?

Q I understand. And did you move into that apartment the next day?

A Yes, sir.

Q Was it a furnished apartment?

A Yes, sir.

Q How long did you stay in that apartment?

A Two days.

Q Why only two days?

A We got in a fight on the afternoon of the second day.

Q Who got into a fight?

A Well, I really wouldn't call it a fight, I would say, in an argument.

Q Okay.

A A disagreement.

Q But you said "we." Who is "we"?

A Me and Deeb.

Q You and Deeb. Why did you and Deeb get into a fight?

A Deeb walked into the apartment on the second day and Kenneth and I were there.

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Q He walked into the apartment he had rented for you and he caught you and Ken there?

A Yes, sir.

Q What were you and Ken doing?

A Not much.

Q But what? Tell the jury.

A We were just lying down on the floor.

Q On the floor?

A Yes, sir.

Q Was the TV on?

A Yes, sir.

Q All right. And were ya'll watching TV?

A Yeah. And drinking.

Q And drinking?

A And smoking dope.

Q Smoking dope. And did "Lucky" knock on the door, or did he just come on in, or what?

A The door was open.

Q The door was open. You had it open?

A No. But I mean it was unlocked.

Q Unlocked.

A You could walk in.

Q So, he just walked on in?

A Yes.



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Q What did he do when he got into the apartment?

A He walked in and looked sort of shocked.

Q Okay. What do you mean by "sort of shocked"?

A Surprised at seeing Ken there.

Q Well, was he angry?

A I would say, yeah.

Q Okay. What did he do?

A He just -- he told me he wanted to talk to me.

Q All right. And, then, what did he do?

A He left.

Q He left. And what did you and Kenneth do?

A Just stayed there for a couple of more minutes. We were getting ready to leave to go out.

Q Where were you getting ready to go?

A To the park, to the lake.

Q Where at at the lake? Whereabouts?

A 0-6.

Q So, you left the apartment that night with Kenneth and went out to 0-6, Koehne Park?

A Uh-huh.

Q What you call "our area"?

A Yes, sir.

Q Okay. Did you go back to the apartment after that?

A Just to pick up a few personal belongings.

1  
2 Q All right. And were you able to get your personal  
3 belongings without running into Deeb?

4 A Yeah.

5 Q And what did you do with your personal belongings?

6 A I put them -- I stayed with Patty Diaz.

7 Q Moved back in with Patty?

8 A Yes, sir.

9 Q All right. When Deeb brought you back from Dallas, or  
10 from Grand Prairie, did you have any plans to maybe go  
11 to work at the Rainbow Inn?

12 A Yes, sir.

13 Q Or the drive-inn, I mean?

14 A Yes, sir. I was due to go to work the next week.

15 Q Okay. Had he talked to you about that?

16 A Yes, sir.

17 Q Okay. During this time, did you feel like -- well,  
18 just tell the jury whether or not Deeb was still acting  
19 the same toward you? Or was he starting to try to put  
20 the make on you, or anything like that?

21 A Would you repeat the question.

22 Q During that time, I'm wondering if Deeb was acting the  
23 same to you that he did when he first met you, or was  
24 he starting to try to get you to be his girl friend?

25 A Ken wouldn't let him see me.

1  
2 Q Ken wouldn't let him see you?

3 A No. Most of the time Ken would be with me and Patty  
4 at the apartment.

5 Q Okay. But was Deeb trying?

6 A Deeb was trying to see me, yes.

7 Q Okay. How did that affect Deeb?

8 A He became very frustrated.

9 Q I imagine. Did you ever go to work for Deeb?

10 A No, sir.

11 Q Why not?

12 A Because of the disagreement we had at the apartment.

13 Q Okay. And, so, the deal at the apartment happened  
14 right before you were scheduled to start working for  
15 Deeb?

16 A Yes, sir.

17 Q Okay. Now, before the thing happened at the apartment,  
18 was there a time you remember when you were at the  
19 Rainbow Drive-Inn with Deeb and an insurance man came  
20 in?

21 A Yes, sir.

22 Q Where were you in the store when the insurance man came  
23 in?

24 A Behind the counter to the left on a Coke box.

25 Q Sitting on a Coke box?

1  
2 A Yeah. It was a cold drink box.

3 Q Okay. You don't mean a little -- do you mean one of  
4 those little yellow wooden things? Or do you mean like  
5 the icebox type?

6 A It was a refrigerated one, the kind that you slide back  
7 the top.

8 Q Okay. And you were sitting on that?

9 A Yes, sir.

10 Q How long had you been there?

11 A Excuse me?

12 Q How long had you been there at the store when the  
13 insurance man came in?

14 A Oh, five or ten minutes.

15 Q Okay. So, you hadn't been there very long?

16 A No, sir.

17 Q Did the insurance man start talking to Deeb?

18 A Yes, sir.

19 Q And when he did, what were you doing?

20 A I was still over there on the box. They were closer  
21 to the door.

22 Q Were you paying any attention to what they were doing?

23 A No, sir.

24 Q Do you remember the insurance man's name?

25 A No, sir.

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Q Did he talk to you any?

A Yes, sir.

Q Did he get you -- huh?

A He said, to tell me where to sign.

Q Where to sign what?

A The insurance form.

Q Okay. Did he talk to you about buying insurance or anything?

A No, sir. When "Lucky" came over and explained it to me, it was for a workman's, like, say, a hospitalization, workman's comp.

Q You mean "Lucky" came over and explained it to you?

A Yes, sir.

Q So, then, apparently, the insurance man had explained it to him, and then he came over and explained it to you?

A Yes, sir.

Q Do you remember how "Lucky" explained it to you?

A He just told me it would give me benefits for the hospital, medical care, and hospitalization.

Q In case something happened at work?

A In case something happened to me.

Q In case you got hurt?

A At work. Yes.

Q Did he say anything to you about life insurance?

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A No, sir.

Q Did he mention that he was taking out life insurance on you?

A No, sir.

Q Did he give you any idea that he would get paid, if you died accidentally?

A No, sir.

Q Okay. Did the insurance man ask you anything about the beneficiary?

A No, sir.

Q Is it possible that he might have said something to you from over by Deeb and you didn't hear him?

A Really, I didn't pay that much attention to him.

Q Okay. You just weren't all that interested?

A No, sir.

Q All you did was just sign where he told you to sign?

A I thought it was for the workman's benefits. Yes, sir.

Q Okay. Gayle, I'm going to show you something that's already been marked as State's Exhibit 38. Is this your signature down here on the bottom?

A Yes, sir.

Q Now, turn it over. Is that your signature right there?

A Yes, sir.

Q Do you remember -- and how about down here?

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A Uh-huh.

Q Looks like three signatures?

A Yes, sir.

Q Do you remember signing it?

A Yes, sir.

Q Okay. Did you read it before you signed it, or anything?

A No, sir.

Q Did you happen to notice up here in this corner up here, right here, where it says, "Beneficiary, Mohammed Deeb"?

A No, sir.

Q You didn't look at that?

A No. And I didn't see that "housewife", either.

Q Okay. Gayle, tell this jury whether or not you heard Deeb tell Mr. Sanchez that you and him were living together?

A No, sir, I did not.

Q When did you find out, for the first time, that there was a policy that would have paid Deeb \$20,000, if you had accidentally gotten killed?

A After the deaths.

Q After the deaths. How long after those deaths?

A Almost a year and a half.

Q Okay.

(Whereupon, Counsel for the State  
(approached the Bench, and an off  
(the record discussion was had out  
(of the hearing of the Reporter.

THE COURT: Mr. Feazell said it was going to  
take a pretty good while for him to finish. I think  
now would be a good time for us to take a break.

So, let's take a recess. And we will stand  
in recess for about ten minutes.

(Whereupon, a recess was had.

THE COURT: All right, go ahead.

BY MR. FEAZELL:

Q And your name is?

A Gayle Kelley.

Q Gayle Kelley. And you're the same -- for the record,  
you're the same Gayle Kelley that I was talking to  
before we went on break?

A Yes, sir.

Q Okay. Now, Gayle, I believe when we stopped talking,  
you had moved back in with Patty?

A Yes, sir.

Q And you were living there in the apartment with Patty?

A Yes, sir.

Q How long did you live there in that apartment with  
Patty?



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A A couple of months.

Q A couple of months?

A Yes, sir. No, I take that back. I don't think it was more than a month and a half.

Q Okay. Now, you lived with Patty several different times, didn't you?

A Yes, sir. Off and on.

Q And shortly after that, did you move back into the Methodist Home?

A Yes, sir.

Q When did you move back into the Methodist Home?

A It was at the end of June.

Q At the end of June?

A Yes, sir.

Q Okay.

A Or the beginning of July.

Q Or early July, somewhere in there?

A I believe I was there right before the 4th of July holiday.

Q Okay. Now, Gayle, on this insurance application that's got your signature on it, where it says "housewife" and all of that stuff --

A Yes, sir.

Q -- it's dated June the 22nd. Now, does that help your

1  
2 memory? By that happening on June the 22nd, you feel  
3 like you had moved back into the Methodist Home somewhere  
4 around the 4th of July?

5 A Yes, sir.

6 Q Okay. Now, when you moved back into the Methodist Home,  
7 where had you been living immediately prior to moving  
8 back into the Methodist Home?

9 A In Patty Diaz's apartment.

10 Q With Patty again. Okay. So, what it was, it was  
11 Patty's for a day, then at the apartment that Mr. Deeb  
12 had rented for a couple of days?

13 A Two days. Yes, sir.

14 Q Then back with Patty for awhile, and back at the  
15 Methodist Home somewhere around the 4th of July  
16 holidays?

17 A Yes, sir.

18 Q All right. Now, before you moved into that apartment  
19 with Patty, the two days you stayed there at Deeb's  
20 apartment, tell the jury whether or not Deeb ever spent  
21 all night long with you there in that apartment?

22 A No, sir.

23 Q Okay. Are you sure about that?

24 A I'm not real sure about the first night, but I know  
25 the second night, he did not.

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Q Well, would you remember whether he slept in the same bed with you or not?

A No, sir.

Q You mean you wouldn't remember, or he didn't?

A No, sir. He didn't.

Q Okay. Where did you sleep the first night?

A On the couch?

Q You slept on the couch?

A Yes, sir.

Q Okay. You do remember that?

A Yes, sir.

Q But you don't remember if he was in the bedroom or not?

A No.

Q Okay. And the second night, was he there the second night?

A Yes, sir.

Q Huh?

A Yes.

Q No. You were there the second night. Was Deeb there the second night?

A Oh, no, sir.

Q Okay.

A I'm sorry.

Q Then, from there to Patty's apartment, and then to the

Methodist Home around July the 4th. Why did you go back to the Methodist Home.

A Ken Franks asked me to.

Q Why did Ken ask you to?

A Because he knew, if I didn't go back, I would eventually be caught, and it would mean a lot more trouble than what I already was in. So, he told me, for the best of it, just go back and wait it out. Because you have to be 17 to be legal, to be out.

Q Okay.

A And I wasn't yet 17.

Q And, so, because Ken Franks was asking you to, you went back to the Methodist Home?

A Yes, sir.

Q What did you do, just walk up to the office and turn yourself in?

A I just packed all of my stuff and went back to the dorm.

Q All right. And what did they do to you when you went back to the Methodist Children's Home?

A They placed me on two weeks restriction.

Q Is that like being grounded?

A Yes, sir. You don't see outside.

Q You don't get outside?

A Well, you can go outside, but you can't leave the dorm

premises.

Q Right. You can't leave the campus?

A Right.

Q Okay. After you went back to the Methodist Home, did you see Kenneth --

A Yes.

Q -- after that?

A Yes.

Q How was it that you saw Kenneth, if you were on restrictions?

A The dorm that I lived in was at the very beginning of the Methodist Home. When you go in, it's the first dorm that you will see. It's right after the guard post.

Q Okay.

A I was standing outside and Ken had tried to come over to see me, but the guards wouldn't let him through, he didn't have a campus pass.

Q Okay.

A He yelled through the gate that he wanted to talk to me, and then he turned around and left.

Q All right. Is that the last time that you ever saw him alive?

A Yes, sir.

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Q Do you remember about when that was?

A If I'm not mistaken, sir, it was on a Monday night. I'm not real sure on the date.

Q Okay. It was maybe a week before he was killed?

A I'm not real sure.

Q Okay. Now, that was during the summer, Gayle?

A Yes, sir.

Q If you had not been on restriction, do you think you would have probably been with Kenneth on July the 13th?

A Most definitely.

Q And where would you have gone?

A Out to Koehne Park.

Q Are you sure about that?

A Yes, sir.

Q You always went there, didn't you?

A Yes.

Q When did you find out that Kenneth had been killed?

A I learned it from the radio. I believe it was the day after that it was announced.

Q Okay. Shortly after that, did you get off of restrictions?

A Yes, sir.

Q And what did you do then?

A I left the Home.

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Q Again?

A Yes, sir.

Q How come?

A Well, it was three days before my birthday. And, also, I didn't like the idea of being in the Home, in the first place. So, I went into seclusion for about two weeks.

Q What do you mean "into seclusion"?

A I just didn't let anybody see me or come to me, talk to me.

Q Was that over Ken's death?

A Yes, sir.

Q Pretty depressed?

A Very much.

Q Where did you go during those two weeks?

A I would just sort of hide out at Patty's, or -- and I had also gotten a job, to go to work.

Q Where were you working?

A At the IHOP.

Q At the IHOP?

A International House of Pancakes.

Q Over on I-35?

A Yes, sir.

Q Okay. Were you staying anywhere else besides Patty's?

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A No, sir.

Q Okay. What shift did you work at the IHOP?

A The graveyard shift, sir, 11:00 to 7:00.

Q And slept during the day?

A Yes.

Q During that time you were staying at Patty's, did anything unusual happen there at the apartment while you were gone?

A There was one break-in right after I moved in.

Q Okay. By "break-in," you mean somebody broke into the apartment?

A Yes, sir.

Q How do you know somebody broke in?

A The window was broken.

Q Uh-huh.

A The house was completely torn up.

Q What do you mean the house -- you mean the apartment, everything inside?

A Yes, sir.

Q Okay. Describe it to the jury.

A The furniture was all turned over, the beds were all torn apart, drawers in the dresser' bureaus were all turned over and everything was dumped out of the drawers. The knives in the kitchen were laid out in a



row on the counter?

Q Wait a minute. The knives in the kitchen were laid out in a row on the counter?

A Yes, sir.

Q You mean everything else was all turned upside down and messed up?

A Yes, sir.

Q But laying out on the table, the knives were in a row?

A Yes, sir.

Q Tell the jury how the knives were in a row?

A ~~They were like in a sequence starting with the butter knife on down to the butcher knives.~~

Q You mean laid out real straight?

A Yeah. Like in a line.

Q Was there anything stolen?

A No, sir.

Q You looked through everything and nothing was missing?

A Yes, sir.

Q Now, did you look real good through the house, through the apartment, to make sure none of your stuff was stolen?

A Yes, sir.

Q And you're absolutely sure none of it was stolen?

A Yes.

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2 Q Whoever it was that broke in, was there anything left  
3 behind?

4 A They left a note.

5 Q A note?

6 A Yes, sir.

7 Q What was the note written on?

8 A If I'm not mistaken, it was written on a piece of bag,  
9 like a paper bag.

10 Q A piece of paper bag. Do you know what it was written  
11 with?

12 A I would say a pen.

13 Q Okay. You would say a pen. But do you remember, or not?

14 A No, sir. I don't remember what it was written on.

15 Q Okay. Do you remember what the note said? If you don't  
16 remember the exact words, tell the jury, as best you  
17 remember.

18 A I really don't remember the exact words. I know it went  
19 something to the effect, we missed you this time, but  
20 we will get you next time.

21 Q We missed you this time, but we will get you next time,  
22 something like that?

23 A Something to that effect.

24 Q What did you and Patty think about that note?

25 A Patty got very hysterical.

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Q She was scared?

A Yes, sir.

Q Did she think it was aimed at her?

A Yes.

Q Because it was her apartment?

A That's right. I had only moved in, I think, maybe the day before, or two days before that.

Q Did you think it was aimed at her?

A Yes. I had no reason to believe that somebody would write something like that to me.

Q You had no reason to believe anybody would write something like that to you. Gayle, what happened to the note?

A Patty, I think, threw it away.

Q Okay.

A I'm not real sure about that.

Q She was pretty scared?

A Yes, sir.

Q Did anything else unusual happen there at the apartment?

A There was a second break-in.

Q Another one?

A Yes, sir.

Q Tell us about that one. How do you know the place had been broken into that time?

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2 A Well, we came home from working that morning, and as we  
3 walked in --

4 Q Now, let me tell you to speak up, so everybody can  
5 hear, and talk slow and enunciate, okay? You came in  
6 from work that morning?

7 A We found the door ajar.

8 Q Now, you had been working at IHOP, right?

9 A Yes.

10 Q Okay. Go ahead.

11 A There was a red substance on the door. I really  
12 couldn't tell you what it was, it was splattered all  
13 over the door.

14 Q Well, what did it look like?

15 A I would say Big Red. It had -- when you touched it,  
16 it was sticky, like maybe it was soda water. But I'm  
17 not real sure, I couldn't really tell you what it was.  
18 And when you walked in, the tables were overturned. And  
19 this time, the only thing that was wrong, the bedroom  
20 was messed up. But nothing was taken, it was just  
21 messed up again.

22 Q Do you remember about when these break-ins were, Gayle?

23 A No, sir.

24 Q Were they after the murders?

25 A Yes, sir.

1  
2 Q Gayle, did you have an occasion to see David Spence  
3 after the murders?  
4 A Yes, sir.  
5 Q Do you remember when that was?  
6 A I don't recall the date.  
7 Q But you do know it was after the murders?  
8 A Yes.  
9 Q Where were you when you saw him?  
10 A At the 7-Eleven on 18th.  
11 Q The 7-Eleven store on 18th?  
12 A Yes, sir.  
13 Q Tell the jury where you were in relation to the store.  
14 Or how did you come to see him?  
15 A Patty and I had went to the store for, I'm not real  
16 sure, cigarettes and Cokes, maybe. I had went in the  
17 store and Patty had stayed behind in the car.  
18 Q You went in the store and Patty stayed in the car?  
19 A Yes, sir.  
20 Q All right. How long were you in the store?  
21 A I would say five or ten minutes.  
22 Q Okay. Then what happened?  
23 A When I walked out, he was there.  
24 Q He who?  
25 A David, "Chilly."

1  
2 Q "Chilly." Is that a nickname he had?

3 A That's the only name I knew him by.

4 Q Okay. So, awhile ago before the break when you were  
5 talking about David Spence --

6 A I was meaning "Chilly."

7 Q -- you meant "Chilly"?

8 A Yes, sir.

9 Q And "Chilly" is the same as David Spence?

10 A Yes, sir.

11 Q So, you walked out. And where was David?

12 A At the front of the Thunderbird.

13 Q At the front of the Thunderbird, which is Patty's car?

14 A Yes, sir.

15 Q Was anybody with him?

16 A Gilbert Melendez and "Sunshine."

17 Q Who is "Sunshine"?

18 A I don't know her real name.

19 Q Okay. But you know her by the name, street name,  
20 "Sunshine"?

21 A Yes, sir.

22 Q Did anything happen, in particular, when you walked out?

23 A I overheard "Chilly" saying, I guess to Patty, when I  
24 walked out, "I wonder how it would feel to live to be  
25 18?"

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Q You heard David say to Patty Diaz?

A I took it he was saying it to her, because I was walking out, as it was being said.

Q Tell the jury what you heard.

A "How would it feel to live to be 18?"

Q Had Patty just had a birthday or something?

A I believe so.

Q Okay. Did David say anything to you?

A He turned around and looked at me and said, "Well, here's the bitch we've been looking for."

Q Who did he say that to?

A I guess it was directed at me.

Q Okay. He said, "Here's the bitch we've been looking for."

A Yeah. But it was sort of like under his breath muttered. But it was still, you could hear him.

Q Could you understand him?

A Yes.

Q Is there any doubt in your mind as to what he said?

A Yes.

Q Huh?

A I mean, that's what he said, there's no doubt in my mind.

Q No doubt, yes, that's what he said. Okay. I want you

1  
2 to tell the jury what else, if anything, David Spence  
3 said to you. And I want you to use the exact words that  
4 David used.

5 A He asked me out.

6 Q Okay. What do you mean, "He asked you out"? How did he  
7 ask you out?

8 A "Would you like to go out? Go out partying, go out?"

9 Q Okay. And what did you say?

10 A "No."

11 Q "No." How come?

12 A Even at that time, I didn't go out with bikers.

13 Q Okay. What did he say when you told him "No," you  
14 didn't want to go out with him? And use David's own  
15 words.

16 A "Well, since Deeb hasn't gotten any, would you like to  
17 get fucked by a real man"?

18 Q Okay. Did he say it like that, kind of subdued like  
19 you just said it?

20 A No.

21 Q Why don't you let the jury hear how David said it to  
22 you, please.

23 A "Since 'Lucky' hasn't gotten any --"

24 Q Did he say "Lucky", or did he say Deeb?

25 A I don't remember.



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Q Or maybe he was asking about the apartment with Deeb, I'm not quite sure. But I would like to show you again, Gayle, the application for insurance policy with your name on it. Do you notice the date?

A June 22nd.

Q June 22nd. And is it your testimony, Gayle, that the -- Deeb rented the apartment for you after this application had been filled out, correct?

A Yes, sir.

Q Because, I believe you said, ya'll got -- he got mad at you the second day you were in that apartment?

A Yes, sir.

Q And that's why you didn't go to work for him?

A Yes, sir.

Q And you thought that when the insurance was bought, it was because you were fixing to go to work?

A Yes, sir.

Q And that never happened. Okay. Now, about this diagram, Mr. Hunt asked you to approximate where everybody was.

A Yes, sir.

Q But he asked you to put X's and Y's. So that we can remember, do you mind if I put like an "ap", so we can remember that it is an approximate?

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2 A (Nodding head.)

3 Q Now, about you being appalled about what Spence said to  
4 you there at the 7-Eleven when he used what Mr. Hunt  
5 called an "F" word. You said you had heard that from  
6 people you knew. But, now, there are different ways of  
7 using that word, aren't there?

8 A Yes, sir.

9 Q Have you ever heard it used just in profanity? I mean,  
10 just somebody getting mad and saying it?

11 A What, just saying "fuck"?

12 Q Yes, ma'am.

13 A Yes.

14 Q And that doesn't appall you, does it?

15 A No, sir.

16 Q Because that's a lot different than somebody asking you  
17 if you want to?

18 A Yes, sir.

19 MR. FEAZELL: I think that's it, Judge.

20 RECROSS EXAMINATION

21 BY MR. HUNT:

22 Q I have a couple of questions, approximately. When we  
23 talked about approximations on that chalk board, can  
24 you remember what the land -- or the X's that we have  
25 got down there -- and, again, I'm just trying to make

1  
2 Q You wouldn't take any pot from him?

3 A No, sir.

4 Q You wouldn't take any beer from him either?

5 A No. I don't drink. Why would I need beer? I wasn't  
6 staying at the Home. Who could I give it to?

7 Q I don't know. You didn't take anything from him then?

8 A I didn't need it.

9 Q You just had your usual relationship, except you didn't  
10 take anything?

11 A That's right.

12 MR. HUNT: I'll pass the witness, Your Honor.

13 MR. FEAZELL: One moment, Judge.

14 FURTHER REDIRECT EXAMINATION

15 BY MR. FEAZELL:

16 Q Gayle, you were asked about this statement that you  
17 gave to the police on September 14, 1982. That was  
18 only two months after the murders, right?

19 A Yes, sir.

20 Q And it was pointed out to you that there is nothing in  
21 here about David Spence?

22 A Yes, sir.

23 Q Everything in here is about Deeb, correct?

24 A Yes, sir.

25 Q Did anybody ask you anything about Spence?

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A No, sir.

Q Did Spence mean anything at all to you back then?

A No, sir. He did not.

Q Did you even know what his real name was back then?

A Only by "Chilly."

Q Okay. Now, you were also asked about after the murders and after you left the Home, got off restriction, and Mr. Hunt used the words, "went back to your usual relationship with Deeb." Is that a correct statement?

A I don't know what you mean by "usual."

Q That's what I'm asking you. What kind of relationship did you have with Deeb?

A I believed it was just friend to friend.

Q Okay. Before the murders, were you even friends?

A With Deeb?

Q Yeah. In your opinion?

A Well, let's say he had something I wanted, and I...

Q But, I mean, did ya'll go out together, or anything like that?

A Oh, no.

Q Okay. How about after you got out of the Home after the restrictions?

A Did I go out with him?

Q Uh-huh.

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A One time.

Q One time. And was that alone, or did you have somebody with you?

A I had Patty Diaz with me.

Q Okay. So, it wasn't a date, it was the three of you then?

A Yes.

Q Okay. And what did you do?

A We went to see a movie.

Q Okay.

MR. FEAZELL: I believe that's it, Judge.

MR. HUNT: I don't have any other questions.

THE COURT: You may step down, ma'am.

MR. FEAZELL: May this witness be excused?

MR. HUNT: No, Your Honor.

MR. FEAZELL: Your Honor, could the witness be on like a day or two notice?

THE COURT: Yes. Ya'll know where to get ahold of her, in case we need her.

In other words, ma'am, I'm not excusing you from the subpoena.

MR. FEAZELL: May we approach the Bench, Your Honor?

THE COURT: Yes, sir.

(Whereupon, Counsel for the State  
(and Counsel for the Defense went  
(into the Court's Chambers and  
(returned a short time thereafter,  
(and the trial continued as follows,  
(to-wit:

THE COURT: Ladies and Gentlemen of the Jury,  
I'm going to recess you. And I'm going to recess you  
until 9:00 o'clock in the morning.

I again caution you to keep in mind the  
specific instructions I have given you. I won't give  
them to you again. I know you all know them by heart.

But I will excuse you until in the morning.

If everybody will, just let the jury clear  
the courtroom.

. . .

1 THE STATE OF TEXAS )

2  
3 COUNTY OF McLENNAN )

4  
5 I, Morris W. Bowen, Certified Shorthand Reporter and  
6 Official Court Reporter in and for the 54th Judicial District  
7 of Texas, do hereby certify that the above and foregoing  
8 typewritten pages contain a full, true and correct transcrip-  
9 tion of my shorthand notes of the testimony of Deandra Gayle  
10 Kelley taken upon the occasion set forth in the caption  
11 hereof, as reduced to typewriting by me or under my direction.

12 Witness my hand, this the 5th day of September,  
13 A.D., 1984.

14  
15 Morris W. Bowen  
16 OFFICIAL COURT REPORTER  
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