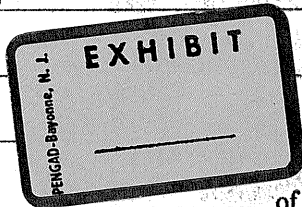


*copy transcript*

VOLUNTARY STATEMENT OF Gilbert Melendez

I, Gilbert Melendez



, after having been first duly

warned by Judge John Cabaniss  
(Magistrate)

who is the

Justice of the Peace Precinct 1, Place 1  
(Title)

of McLennan County, Texas, at

8:40 o'clock, P. M., at the McLennan County Sheriff's Office  
(Place of Warning)

on the 25th day of March, 1983, of

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

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

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

My name is Gilbert Melendez

I live at the Texas Department of Corrections.

My name is Truman Simons. I am a Deputy Sheriff with the McLennan County Sheriff's Department. The time is 9:14 P.M. Today's date is 3-25-1983. At this time there are three persons present in this office at the Sheriff's Department at the McLennan County Courthouse. I am present, Gilbert Melendez is present and Captain Weyenberg is present. Gilbert, at this time I would like for you to state your full name and date of birth.

I am Gilbert Melendez, born on April 6, 1955.

Gilbert, is it true that there are three persons present in this room at this time as I stated prior to this?

Yes, it is.

Gilbert, a few minutes ago at 8:40 P.M. on this same date, Judge John Cabaniss came into this office and gave you <sup>am</sup> what we call a statutory warning. He told you what your rights are and he warned you on a capital murder case. Is that correct?

Yes it is.

Gilbert Melendez  
Gilbert Melendez

Sworn to and subscribed before me this 26 day of March, 1983.

Linda Crook  
Notary Public  
State of Texas

My commission expires 6-27-84

Did you understand your rights as John Cabaniss told your rights to you?

Yes.

It is also true that at this time you have not been formally charged with any offense, is that true?

Yes, it is.

Gilbert, this case that we are talking about you understand is a capital murder case, you understand that? We're talking about a capital murder that happened on July 13, 1982 at Lake Waco where three people were killed, Kenneth Franks, Raylene Rice and Jill Montgomery, is that true?

Yes.

O.K., it is my understanding that you have information to provide in this case, is that true?

Yes, it is.

You also understand that a capital offense carries as punishment the death penalty, life in the penitentiary or you could be convicted of any lesser included offense, do you understand that?

Yes.

You do understand that it carries the death penalty as the maximum punishment?

Yes, sir.

Do you also understand that you have a right to remain silent and not say anything?

Yes.

Do you understand that you have a right to retain counsel?

Yes, I do.

Do you also <sup>C.M.</sup> ~~also~~ understand that you have a right to have an attorney present at any time you are being interviewed by peace officers such as myself and Captain Weyenberg or any attorneys representing the State? You have a right to terminate the interview at any time.


Yes.

Do you understand what that means? You can stop talking at any time you want to.

Yes.

  
Gilbert Melendez

Sworn to and subscribed before me this 26 day of March, 1983.

  
Notary Public  
State of Texas

My commission expires 6-27-84

You have a right to request the appointment of counsel if you are indigent and cannot afford one. Do you understand that?

Yes.

Do you know what this means?

Yes, I do.

You have a right that you are not required to make any statement and that any statement that you make may be used as evidence against you. Do you understand that?

Yes I do.

This statement that you are about to make is totally and completely voluntary. It is without being forced, without being compelled in any way, without being promised anything at all, without any kind of persuasion or any kind of duress or coercion or anything. Do you understand what all those words mean?

Yes.

You haven't been promised nothing, you haven's been threatened in any way, you just want to make a statement because you want to make a statement. Is that right?


That's right.

Now Gilbert, I am just going to turn it over to you and I am going to let you talk about it. Tell us what you know about it and I am not going to ask any questions. I just want you to tell us in your own words what you know about this case out there and take it step by step as best you can. You are going to be the only one talking, O.K.?


O.K., I was out together with David one evening, David Spence. It was July 13, between 9:00 and 10:00 o'clock. We went to, I got with him in the car, with David in the car, his car, and we stopped by a store and bought some beer. We went riding around for a while <sup>G.M.</sup> ~~xxxx~~ around town. A little while later we went, an hour or so later, an hour and a half, it was 11:30, we passed through a place out by the lake they call 0-6. It is a park. <sup>G.M.</sup> ~~KX~~

Excuse me just one second. When you talk about times, such as A.M. or P.M.

This was 11:00 or 11:30 P.M. at night and we were driving out that way off

  
Gilbert Melendez

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

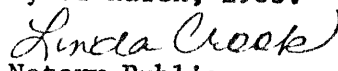
  
Notary Public  
State of Texas

My commission expires 6-27-84.

of Valley Mills and David said, "Let's," David said, "Let's pass through 0-6, the park." We drove down off into the park and we seen some people sitting there, two girls and a boy. The three people involved. David said he knew them, David Spence said he knew them, let's stop and talk to them and see if they want to drink some beer and get high. So he said he knew them and I said O.K. We stopped, David and I stopped and David called over to them and they came over and started talking to him. He asked them if they wanted to get high and drink some beer. We had some and we still had time to go by the store and buy some more and they said O.K. The two girls and the guy got in the car. One girl got in the front seat, the brunette, between me and David Spence and the other boy and girl got in the back seat. We started to drive off and we drove to make a turn. There is a turn there, and we drove to make 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 just a few feet and turned. David said ~~something~~<sup>G.M.</sup> something about how good looking the girl was in the front seat and I said, "Yes she was." And we drove a little farther and he said she has some big titties, and I said, "Yes she does." And she told him to be quiet, don't talk like that. He said well I'm gonna grab one and he reached over and grabbed one and he 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, 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 arms 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, struggling. He was trying to grab a hold of her and she was trying to push him away. They, 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, cut it out and leave her alone, and I told them to shut up and be quiet. I, they were squabbling in the front and I got out of the

  
Gilbert Melendez

Sworn to and subscribed before me this 26th day of March, 1983.

  
Notary Public  
State of Texas

My commission expires 6-27-84.

car and told the two people in the back, the boy and the girl, 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 hassling with the girl and she was hollering at him and he said that he was going to fuck her, take her clothes off, and she was giving him a hard time. She said she didn't want to. The people started to say something again, the girl and the boy in the back seat, and I told him to shut up, that I had a pocketknife 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, David Spence, in the front and he was trying to take her blouse off, her top off, and she was giving him a hard time. He slapped her and hit her a couple of times. They were struggling then and he got mad at her and told her that no bitch was going to hit him. She was trying to slap him and scratched his face up. I was still standing outside the door and the people said a couple of more things, the girl and the boy in the back, and I told them to shut up again. David was still having to struggle, David Spence was still having to struggle with the girl and they, he, a knife appeared somewhere, I don't know, I'm not sure who had it, he did or she did, I don't know. He 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 back 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 and the girl and the boy in the back seat, the girl hollered that he had a knife and I told her to shut up again and him and they did. David started to stab her. I was standing outside and I didn't even look to the front. She screamed and then they stopped struggling. He was trying to take her pants off. The girl in the <sup>GM</sup> ~~the~~ back seat was scared and the guy was too and I told them to step outside of the car and stand by where I was at. He stepped outside. He said O.K. and stepped outside and I told the girl to be quiet, to shut up and just sit there.


Gilbert Melendez  
Gilbert Melendez

Sworn to and subscribed before me this 26th day of March, 1983.

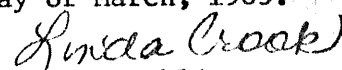
Sinda Crook  
Notary Public  
State of Texas

My commission expires 6-27-84.

She did. David came out of the front, David Spence came out of the front of the car and said he hated to cut her tits, that she was a good looking girl and looked at the girl in the back seat and said that, he said that, he said, "I'm going to fuck you." 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, to just stand there, and he said O.K. David got a hold of the girl in the back seat by the door and she struggled with him some. He had a knife in his hand and told her to settle down or she would get hurt. And she said to leave her alone, she didn't do nothing, she didn't want nothing to do with him, he was crazy, and he told her to shut up and hit her a couple of times. She struggled with him a little bit and he put the knife on her and told her to settle down, 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 a lot and trying to kick at him but he had her penned down and she, he hollered, "Hand me something to tie her hands up with, she's giving me too much trouble back here." She already had her blouse off, her top off, and I told him to get something himself to tie her hands up with and he started to take her pants off and he got her pants off of her. He was trying to hold her hands down and tie them up and he, I think he got <sup>G.M.</sup> ~~one~~ one of the hands tied and was trying to tie the other one up, and she was still resisting but she quit hollering and he started to have sex with her. He pulled down his pants, he still had all his clothing on and started to fuck her. He said, "I'm gonna fuck you whether you want to or not." And she said she didn't want to and to get off of her and leave her alone and I hollered at him and said, "What are you doing David, let's go, let's get out of here," and he said, "Wait a minute, I'm gonna get me some pussy." He got inside of her and started having sex with her and the guy was getting kind of scared and he said something, "What's going on?" and I told him just to shut up and stay there. I had the knife in my hand so he did. David still had the knife, holding it on the girl, and she was still struggling. He hit her and he was stayed there

  
Gilbert Melendez

Sworn to and subscribed before me this 26th day of March, 1983.

  
Linda Crook  
Notary Public  
State of Texas

My commission expires 6-27-84.

with her for a little while, having sex with her and she started giving him a hard time, trying to push him away, and he got mad <sup>GM</sup> because he couldn't finish, she was giving him too much trouble, she wouldn't cooperate with him. So he put the knife to her throat and 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 her and stabbing her with the knife. He was hitting on her with it. I told the guy to back off towards the back of the car and he said, "What's going on man, don't hurt her." I told him to shut up again and be quiet. David came out of the car and stood up right there by the door and pulled his pants up and said she wasn't nothing but a cunt, he didn't get to finish and she wasn't probably any good anyway, she wasn't any good. She was laying there. She didn't struggle anymore. I told David that because he was crazy I told the man. Before that he rambled around in the car for a half a minute or so, David Spence did, and he, I guess he went in their purses. I'm not sure if he went in their pants' pockets or not and he brought out some money. He had some money in his hand. It was a stack of money, bills, and he handed it to me and said, "Here, put this in your pocket." I just grabbed it and put it in my pocket and he said, "Well go ahead and keep that, that Deeb, that Iranian guy was going to pay him \$5000.00 that he owed him for these people ripping him off." He stood up to the guy and the guy was at the back, against the car, and said, "Yeah, you were in with them on ripping me off." And the guy said, "I don't know what you are talking about, I didn't do anything to you." And he said, "Yeah you did, your nothing but a punk." He said, "You're nothing but a punk and you're going to be treated like one." The guy said, "Man I ain't did anything and I don't know what you are talking about."


Gilbert Melendez  
Gilbert Melendez

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

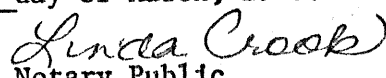
Linda Crook  
Notary Public  
State of Texas

My commission expires 6-27-84

He was scared and he didn't know what to say. David told him to shut up and had the knife on him and put it 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 bit and I said, "I'm splitting, I've got to go man," He said, "Hey Bro, don't go man, where are you going?" He said I will give you a ride, you can't go. I said, "I'm going," He said, "Hey Bro, don't split." I said I am going to walk over here by the water, man. It, the water was not too far away, the water's edge there. I still had a beer that I had sitting on the car. I picked it up and I stood there for a minute and David said that the guy was nothing but a punk, he was cunt just like the girls in the car. He was going to fuck him up for fucking him around on the money and David hit him a couple of times in the face with his fist and hit him in the stomach. The guy kind of crouched down and David kicked him a little bit once or twice and the guy just crouched down and out. I started to walk away by the water and he said, "Don't leave," and I said, "I'm going over here by the water." And David started swinging the knife on him, cutting the guy and then started to stab him with it because I could hear him pushing the guy, hitting the guy's head, and hearing him bumping against the car. I walked towards the water's edge and finished the beer <sup>G.M.</sup> ~~had~~ I had and took a leak and lit up a cigarette and started to walk back and told David, "Man, let's get out of here, somebody's going to come by." I kept looking, I thought somebody was going to drive by where we were at and I said, "Man, I'm going to split." I said, "I'm going to go, I'll see you later," and again he said, "Don't leave, you have got to help me get these people in the car. We got to take them somewhere where nobody can find them. We can take them over to Speegleville, I know where we can drop them off at. I can't do it by myself." I walked back to the car and David Spence already had the guy halfway in the car and we shut the door and pushed him in and shut the door and pushed the other girl in the back seat and closed the door. We got in the car and took off. I said, "Let's go, let's get out of here before somebody comes by, somebody may have heard the noise," and he

  
Gilbert Melendez

Sworn to and subscribed before me this 26th day of March, 1983.

  
Notary Public  
State of Texas

My commission expires 6-27-84



started to drive off. We drove out of 0-6 Park and drove up Lake Shore towards town and took a turn by a store up there to cut across the neighborhood to get over to Hwy. 6 and cut over to Speegleville. We took some back roads <sup>G.M.</sup> ~~xxxxxx~~ through some neighborhoods and cut around and we got, had to go around a loop and then got on the highway. It was dark, I had never been in Speegleville that much. David said he knew his way around and we drove across the lake, across the bridges and off into some dirt roads out there. When we started to get in the car David wanted a beer and I gave him a beer and I opened another beer and lit a cigarette. I told him that we were in serious trouble and that somebody probably seen us come out of there and I was scared and he was scared and we were both scared and he said not to worry about it, nobody heard us or they would have seen us, that somebody would have come by while we were down there at 0-6. We started driving by and kept looking back to see if anybody was following us or anything and we drank those beers and got another one and started driving off and came to a dirt road. We didn't say a whole lot except that I said that we were in big trouble. He said that nobody was going to know, nobody seen us and nobody would know unless we told them. I said that we just need to get where we are going and get these people out of the car and get out of here. We drove down the dirt road and went down a couple more dirt roads off the main one and we stopped the car. I got out and told him that I had to get out for a minute and take a leak. I walked up to the front of the car and took a leak and lit a cigarette. David was opening the door and starting to pull one of the people out of the car. He hollered at me to help him and I went over there and helped him. He said we would put them off in some bushes and a bunch of weeds and stuff out there at Speegleville and David and I walked over and picked one of the people up. I grabbed their feet and he grabbed them by the shoulders and walked a little ways with them and

Gilbert Melendez  
Gilbert Melendez

Sworn to and subscribed before me this 26th day of March, 1983.


Linda Crook  
Notary Public  
State of Texas

My commission expires 6-27-84

sit them down. He said they were heavy, something, Goddam they are heavy, and I said, "Man, let's just get to the car, pick them up and sit them down." So we went back and got another one, another person, and carried them over to where the first person was and we went back and got the third person and carried them down there and laid them down. We, David said, "You are sure you don't want to get you some while it is still warm, it was sure a waste, they were pretty good looking girls." And 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." I walked up towards the car and he was checking them. I said, "Are <sup>G.M.</sup> ~~you~~ they dead or what, you know?" and he said he was going to see. I didn't even want to look at them so I walked up to the car and got another beer and fumbled around in there and got some cigarettes and looked around to see if there was any clothing or anything in the car. There was nothing in there. I looked around and I walked up to the front of the car and opened the beer and started drinking it and took a leak and I just walked about 20 or 25 paces up front of the car and started walking up that way and back and he said, "Hey Bro, where are you going?" I said, "I'm not going no where, I'm just walking." I said, "Let's go," and he was over there looking at the people. I don't know what he was doing. He, I thought I heard him say something, I don't know if he was talking to them. I said something like are they talking back or something and what are you doing? He said nothing. He was standing there looking at them, kicking around on them or throwing them around or something and it was dark and I couldn't really tell. I walked back and forth a couple of times and David came back to the car and said is there anything in there and I said, "No, I didn't see nothing." I said, "Let's go, let's get out of here before somebody comes down and sees us." He said O.K., let's go, do we got beer? I said, "Yeah, there's beer," we had beer all over the car, there was beer on the floorboard. I picked up a beer and gave it to him and we started to drive off. We drove off and left there and we started back on the highway. I told him that I didn't

  
Gilbert Melendez

Sworn to and subscribed before me this 26th day of March, 1983.

  
Linda Crook  
Notary Public  
State of Texas

My commission expires 6-27-84

know what was going on, that we were in big trouble and people are dead I am going to get my stuff tomorrow and I am going to leave town and I was pretty shaken up about it. I don't know what I was thinking. We parked and turned the radio on a little bit and drank a beer and we were on the way back and he took me to where I was going. 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 knows 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 will just forget it." I said, "We're in trouble, we're gonna get caught." I kept looking around to see if policemen were following us or somebody was following us or something. I was nervous. We drove on down the highway and to the turn off and cut across town and went to where we lived. David was living at his mother's house and I was living with a friend of mine, not too far from there. We drove over there and stopped at where I lived and we finished a beer and talked and he said, "Don't worry about it, I'm going to get that five thousand from Deeb, that Iranian, and we will go party on it." He said, "I'll buy everything, you won't have to worry about it, I'll pay you back all the beer and stuff you buy me and cigarettes." He said, "You'll see, I'll get it tomorrow or the next day. We can split or whatever you want to do, we'll split." We sat there in front of the house for thirty minutes or so, smoking cigarettes and drinking beer and I told him I was going to go and he said he was going to go too. I told him I would see him later and he said O.K. and he left.

Gilbert, let me interrupt you right now, (this is Truman Simons speaking), at this point and time I've got some questions that I want to ask. You have got some things in here that you have said so far that I want to go back and try to expound on a little bit, to clarify up some.

Yes, sir.

*Gilbert Melendez*  
 Gilbert Melendez

Sworn to and subscribed before me this 26th day of March, 1983.

*Linda Creek*  
 Notary Public  
 State of Texas

My commission expires 6-27-84

What I want to do right now is in a few minutes I am going to turn this tape recorder off and if it is O.K. with you we will have a typist type this up so you and I both can sit down and read it. You have done quite a bit of talking here, you know, and I'm sure there are going to be some questions that I am going to want to ask and we are going to want to clarify some things. But what I want to do right now, in just a few minutes, is cut the tape off, if it is O.K. with you, and we will have this typed up to this point and when we get the questions that I want to ask you and the things that I want to clarify, we will tape record it again, O.K., any questions, and then we will have that typed up and we will be doing some typing and

<sup>G.M.</sup>  
~~MMH~~ some taping until we get everything just exactly like you want it, O.K.?

O.K., good.

So far at this point and time everything that you have told me is the truth, is that right?

Yes it is.

And the only reason you told me is because it is the truth, right?

Yes, sir.

And you haven't been threatened or hurt or anything, right?

No, I haven't.

Do you have anything you would like to say at this point and time?

Yes, I do. I just wanted to give this statement because it has been

\* bothering me and it bothered me when it happened. It is the truth. I want to get it out in the open.

O.K., anything else?

O.K.

The time is 9:47 P.M. The date is 3-25-1983 and I am going to turn the tape recorder off right now, O.K.?

O.K.

LC 3-26-83

Gilbert Melendez  
Gilbert Melendez

Sworn to and subscribed before me this 26th day of March, 1983.

Linda Crook  
Notary Public  
State of Texas

My commission expires 6-27-84

STATE  
#  
53  
3-6-85 AG

VOLUNTARY STATEMENT OF GILBERT MELENDEZ.

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

John Casaviss

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

McLennan County, Texas, at 5:28 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:

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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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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...and 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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... 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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... 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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... 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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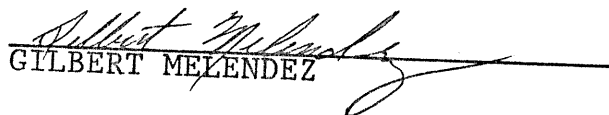
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noise like he was trying to hollar but couldn't because Spence had him by the throat. When he backed in to the car, Spence stabbed him several times and then just kind of pushed him and the boy fell to the ground. Spence pushed his leg up against him 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

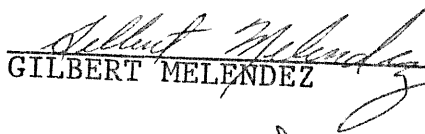
  
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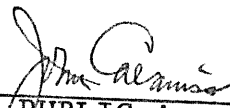
  
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... the car. Tony started hitting (stabbing) her with the knife. It looked like someone put their hand over her mouth because she wasn't hollering. She was struggling, trying to get away but she couldn't. David was helping hold her. Tony hit her with 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

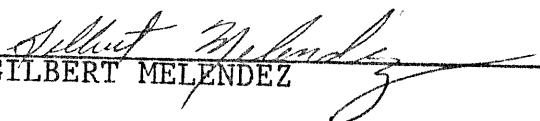
  
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left, and went to get the truck out at Bosqueville. Tony drove the car. We went to David's mother's house, went back to the park, when we got there, David was sitting or standing around one of the tables. I backed up where the curve was and Tony stayed 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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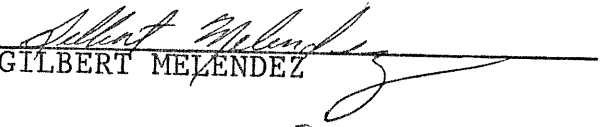
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go. We angled off down a side road. It was paved. We went down the road a little way and it turned into gravel. We went a short way on the gravel and turned right on to a dirt road. We drove for a short distance then back on a paved road then angled 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

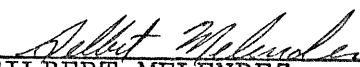
  
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was coming. David said, "yea, I can get him or I'll get him." Tony opened the door but I don't think he got out. I walked up in front of the truck a little ways. I felt sick, I stopped and vomited. I looked around. I didn't hear any cars. I walked 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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coming 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 160 pages to this statement.

  
GILBERT MELENDEZ

SUBSCRIBED AND SWORN BEFORE ME THIS 18th DAY OF January,  
A.D. 1985.

  
NOTARY PUBLIC in and for  
THE STATE OF TEXAS

My Commission Expires:  
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