

1 with the people that I just showed you, unless she knew them?

2 A No.

3 Q I'll pass the witness.

4 MR FEAZELL: That's all, Judge.

5 COURT: Call your next witness.

6 MR FEAZELL: May this witness be excused, Your Honor?

7 COURT: Yes, sir.

8 MR FEAZELL Doris Tucker.

9 (State's witness, Doris Tucker was brought into the court-  
10 room, and sworn in)

11 DORIS TUCKER,

12 THE WITNESS, AFTER FIRST BEING DULY CAUTIONED AND SWORN,

13 TESTIFIED TO HER OATH TO THE TRUTH, THE WHOLE TRUTH AND NOTHING

14 BUT THE TRUTH AS TO THE FOLLOWING:

15 DIRECT EXAMINATION (REBUTTAL)

16 BY MR FEAZELL:

17 Q How are you doing, ma'am?

18 A I'm fine.

19 Q Would you please state your full name for the record?

20 A My name is Doris Jane Tucker.

21 Q All right. And, Ms. Tucker, do you live in Waco?

22 A Yes. I do.

23 Q Were you living in Waco during the summer and fall of 1982?

24 A Yes. I was.

25 Q Are you familiar with where the Rainbow store was?

1 A Yes, sir. I am.

2 Q Are you familiar with a man by the name of Muneer Deeb?

3 A Yes. I am.

4 Q Do you see him in the courtroom?

5 A Yes. I do.

6 Q Point to him, please.

7 A The man right there. His hair is a little different, but  
8 that's him.

9 Q Okay. Your Honor if the record could reflect that Ms.  
10 Tucker has identified the Defendant.

11 COURT : Let the record so reflect.

12 Q Did you have an occasion, Ms. Tucker to go into the Rain-  
13 bow store sometime in mid-September 1982?

14 A Yes. I did.

15 Q And, at that time who did you see in the store?

16 A I saw Muneer Deeb and David's girlfriend, Kristine.

17 Q Okay. And, by David, who do you mean?

18 A David Spence.

19 Q All right. Now, were Kristine and Mr. Deeb having a conver-  
20 sation?

21 A Yes. They were.

22 Q Where were you standing in the store at the time they were  
23 having this conversation?

24 A Well, I was standing -- when I walked in the store I went  
25 around where the cold drinks were and the potato chips rack

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1 was and at the time they were talking I was right there on the  
2 side of the potato chip rack hiding.

3 Q Hiding. Now, why were you hiding?

4 A Becuase they were into a heavy conversation and I was  
5 listening..

6 Q You were eavesdropping.

7 A Yes. I was eavesdropping. It was very interesting.

8 Q Okay. Why don't you tell the Jury what you heard, ma'am.

9 MR McCALL: I'll object to any hearsay, Your Honor.

10 COURT: Overruled.

11 MR McCALL: Could we have a running objection for the con-  
12 versation that she is going to testify to?

13 COURT: Yes, sir. You may.

14 BY MR FEAZELL:

15 Q Let me get this straight first, ma'am. Everything you  
16 heard it was in the presence of Deeb -- Mr. Deeb, was it not?

17 A Yes. I was.

18 Q Tell the Jury what you heard.

19 A Okay. I walked into the store and Kristine was standing  
20 there and she said -- she said I came for the money for David.

21 Q Uh huh.

22 A Like that. And, Deeb didn't say anything. And, she said --

23 Q Well, how was he looking? Could you see him?

24 A Kind of frowning like, you know just like, you know, like  
25 he didn't want her to say anything because Kristine she did

1 not -- I don't know if she saw me when I walked in. She was  
2 standing far away from the counter in about --

3 Q Uh huh.

4 A -- the center of the store, and I went around her. And,  
5 you know, if you, you know, manag -- you know, managing a store  
6 and you should see all your customers that walk in, right?

7 Q Uh huh.

8 A So, I'm sure he saw me --

9 Q So, you're testimony is that you don't think Kristine  
10 knew you were there but that Mr. Deeb did?

11 A Correct.

12 Q All right. Now, what -- what -- what did she say?

13 A She said, 'You said that you would help -- you said that  
14 if he would do it if you would give him the money.'

15 Q Uh huh.

16 A Like that. And, he said, 'What money.' like that, and,  
17 so, I went on around to the cold drinks and just stood there,  
18 you know, and I had already had what I wanted and I just stood  
19 there hiding, and he said, 'I don't want your fucking business  
20 anymore, you Goddam whore.' like that. And, you know, so, I  
21 kind of got quiet, you know, real quiet and overhearing every-  
22 thing.

23 Q Well, were they yelling at each other or what?

24 A Well, he was yelling at her and he was -- well, she was,  
25 you know, looking at him and was asking for this money, you know

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1 he looked like he was puzzled, or worried about something.

2 Q Uh huh.

3 A And, he said, 'I told you I don't want your business any-

4 more you Goddam bitch.' like that. And, he said, 'If you don't

5 get out of my store, I'll call the cops on you.' And, she said,

6 'Oh just go right ahead. Just go right ahead. I -- I want you

7 to.' like that.

8 Q Uh huh.

9 A And, she said 'After,' she said, 'After I tell the cops that

10 what you've done that they'll lock you up and throw away the

11 key for life.'

12 Q For life?

13 A For life.

14 Q Okay.

15 A And, then he got kind of scared, you know, and nervous.

16 Q Like --

17 A And, kind of upset like he was very angry at her?

18 Q How was he acting?

19 A You know, weird and scared, you know, frightened.

20 Q Uh huh.

21 A And, 'cause she was getting ready to buy a sandwich in her

22 hand.

23 Q Uh huh.

24 A And, had two one dollar bills out.

25 Q So, what happened?

1 A And, so, when she was getting to pay for her money, he  
2 said, 'I told you don't come to this damn store -- Goddam store  
3 anymore, bitch.' like that. And, then, so, she gave him the money,  
4 and then he threw the change down on the counter and it dropped  
5 and she was picking it up and he said, 'Don't come back to my  
6 store you fucking bitch.' like that. And, as she left, I walked up, I  
7 said, who? I said, what's a matter with her? He said, 'Oh.  
8 I'ts nothing. I don't know why I fool with her anyway. She  
9 ain't nothing but white trash.

10 Q Uh huh. Anything else happen?

11 A That's all. And, he just looked, you know, scared, you  
12 know, at the time when they were talking and -- because I be-  
13 lieve, you know, I kind of stepped out and I -- you know, he  
14 got kind of scared and nervous, but when she told him just go  
15 right ahead, like she was daring him, you know, to call because  
16 she was wanting him to, but she knew that he wasn't. And, he  
17 got real scared and kind of frightened like and kind of jumped off,  
18 you know, on another conversation, like, you know, just come on  
19 and pay for your money.

20 Q Okay.

21 A You know, pay for your goods.

22 Q Ma'am as a result of overhearing this conversation did  
23 you do anything?

24 A Yes. I went to my sister -in -law and I told her and then she  
25 called Crimestoppers for me.

1 Q All right. And, did ya'll report this to Crimestoppers?

2 A Yes. We did.

3 Q Okay. This is about -- when did you say this happened?

4 A This was in about mid - September when this happened.

5 Q Okay. We'll pass the witness, Your Honor.

6 CROSS EXAMINATION (REBUTTAL)

7 BY MR. McCALL:

8 Q Do you know if that was before or after Muneer had been  
9 arrested in September?

10 A It was after David Spence had been arrested.

11 Q I asked if you know if it was before --

12 A I don't -- I cant' answer that, sir.

13 Q Do you recall when he was arrested? Or, if he was arrested  
14 in September of '82?

15 A He could have been arrested in September, but I know it  
16 was about the mid-September.

17 Q How do you recall that?

18 A Well, like I say, I was -- you know, I was stopped at the  
19 store I knew that it was between August or September, but I'm  
20 pretty sure it was after David Spence was arrested, so that had  
21 to be about the mid-September, is that correct?

22 Q How do you recall when he was arrested?

23 A Because he was -- I know in September, or when I stopped  
24 at the store at that time and she was asking for some money  
25 you know like to help David out to get him out, you know, of

1 jail, or something. That's how I know. I don't know when  
2 Deeb was arrested. I only know about David.

3 Q Okay. So, you knew David Spence was in jail?

4 A Yes. I did. It was in the papers.

5 Q And, Kristine Jewel was wanting some money --

6 A That's correct.

7 Q -- to get him out of jail? Make his bond, or something?

8 A She didn't say that, you know, but --

9 Q What -- what did she say about getting him out of jail?

10 A She said, 'You told me that you would give him the money.'

11 Q Okay. You -- what about jail, though, to get him out  
12 of jail.

13 A She didn't mention the word jail.

14 Q Well, you -- you just did.

15 A I -- when Mr. Feazell was asking me questions I didn't  
16 mention jail at that time.

17 Q No. But, I mean, when I --

18 A I mentioned it to you right now. I'm saying that, you  
19 know, to the best of my knowledge, maybe that's what she was  
20 wanting it for. Now, I did not tell Mr. Feazell that.

21 Q I undersatnd that I'm asking you --

22 A Okay.

23 Q -- that -- that -- you said Kristine wanted the money to  
24 get -- try to get David out of jail.

25 A I -- I would think so -- this is what I'm saying. I'm not

1 saying that is exactly what she said. I'm telling you this.

2 Q But, something like -- something like that, she said some-  
3 thing like that, didn't she?

4 A She did not mention jail. That's all I can tell you.

5 Q Now, when -- were you working somewhere in the summer  
6 of '82, or mid-September of '82?

7 A Was I working at that time, or do I work?

8 Q Did you -- were you working at that time.?

9 A No. I was not working at that time.

10 Q What were you doing?

11 A Well, I had just dropped my daughter off to my sister -  
12 in - law's -- over to my sister - in - law's when she -- then  
13 she went over to her sister's house. And, that' right there  
14 by the store, off on 15th and Proctor. And, I stopped at the  
15 store to get some goods it -- it is a public place and any-  
16 one cango there, can't they? I believe so.

17 Q Did you -- did you get -- go give a statement to the police?

18 A Like I told you, I told my sister - in - law and I asked  
19 her would she call Crimestoppers for me.

20 A What I asked you was did you go to the police and give them  
21 a statment?

22 A That day , or that night, or later on, or when? When  
23 are you talking about?

24 Q Well, did you ever go to the police and give them a state-  
25 ment?

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1 A Yes. I did. After I called Crimestoppers.

2 Q When was that?

3 A Oh. I believe it was within the next week. In -- within  
4 a week.

5 MR McCALL: Did this witness give a statement?

6 MR FEAZELL: I don't have it. Let me see if Mr. Butler  
7 has it. Your Honor, we'll have to check our master file. I  
8 didn't anticipate that the statment would be needed. He's going  
9 to get it for me, sir.

10 MR. BUTLER: There was no written statement by this  
11 witness.

12 COURT: All right. You may proceed, Counsel.

13 BY MR McCALL:

14 Q When you -- did you -- what did you know about Crimestoppers?

15 A Well, that Crimestoppers -- if you have any information  
16 that would help in the arrest or the conviction of someone  
17 that they would give you a reward, or whatever. That's the  
18 only thing that I know.

19 Q How much of a reward.

20 A A thousand dollars I guess. That's usually what it is.

21 Q Have you filed with them before?

22 A No. I haven't. And, I was not filing for a reward. I  
23 was just calling them to let them know about some information.  
24 Everyone that calls Crimestoppers, they don't call for a reward,  
25 do they?

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1 Q I don't know. Most of them are after -- if you're asking  
2 me, most of them are after the money.

3 A I know. I was calling someone at that -- you know, at  
4 that time --

5 Q Instead of calling the police, you called Crimestoppers?

6 A I told you my sister-in-law did. Yes, she did.

7 Q Did she follow -- follow the papers? You said you read  
8 when David Spence was arrested.

9 A No, I didn't really follow the papers because, really,  
10 I was trying to -- I don't -- you know, it's very gruesome  
11 to me. I really don't care to know or read the paper about  
12 that. I would read the paper, but I would skip that part.

13 Q You'd read about David Spence, but you didn't read to  
14 see if they had arrested Muneer Deeb?

15 A That is correct. Like I said, I didn't want to look at  
16 -- look at it on television, or anything whatsoever.

17 Q But, you reported it to -- you mean, you reported it to  
18 Crimestoppers and you didn't follow through to see if the police  
19 arrested him?

20 A Well, why should I have to follow through?

21 Q Well, were you just totally disinterested in the thousand  
22 dollars reward?

23 A I -- like I said, I didn't care for the money. I was  
24 just calling some information in at that time.

25 Q You -- you were thinking that the lake murders were so

1 gruesome that you didn't want to follow up on --

2 A That is correct. Isn't it gruesome to you? It's very  
3 gruesome to me. You know, I don't care to follow up on any  
4 gruesome -- you know -- things like that. That's just -- you  
5 know -- it's gory. It scares me to death.

6 Q Did you have any source of income at the time?

7 A Yes, I do. And, now, I still have. I've been working --

8 Q Objection, Ma'am. Just wait 'til I ask the question.

9 A Okay, sir. You was talking about income, you know. You  
10 act like I didn't have a job, or something.

11 Q Objection to non-responsive, your Honor. So, you don't --  
12 you didn't have any specific amount of money involved, just  
13 that --

14 A The only thing, like I could tell you --

15 Q Now, I'm asking, can -- did you hear any specific amount  
16 of money involved --

17 A No.

18 Q -- whether it was fifty, a hundred dollars, or two hundred  
19 dollars? You didn't hear any specific amount, did you?

20 A No.

21 MR. McCALL: I'll pass the witness.

22 EXAMINATION (REBUTTAL)

23 BY MR. BUTLER:

24 Q Ma'am, did you ever file with Crimestoppers for a reward?

25 A No, I have not.

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1 Q Did you ever get any kind of reward?

2 A No.

3 Q Did you ever ask for any kind of reward?

4 A No. I don't -- don't need it.

5 Q How did you know who David Spence was?

6 A How do I know who David Spence was? Okay, I -- I went  
7 to the store -- I've been to the Rainbow Store about maybe  
8 two or three times and -- like I said, me and my sister-in-law  
9 we talk a lot 'cause she goes to the store a whole lot, and  
10 she would go and get some, you know, drinks and everything,  
11 and so they would be nice and help her put it in the car for  
12 us, and like that. And, you know, she's the one that really  
13 could describe Spence to me and everything, but like I said,  
14 I've only seen him maybe two times, and that's about it.

15 Q Okay. She knew who he was?

16 A Yes, that's correct. And, I knew that his girlfriend  
17 was Kristine.

18 Q Okay. And, after you heard this conversation, that's  
19 when you went and told your sister-in-law?

20 A That is correct.

21 Q And, after talking with her, that's when ya'll decided  
22 to call Crimestoppers?

23 A That is correct.

24 MR. BUTLER: That's all I have.

25 MR. McCALL: We don't have anything else, your Honor.

1 COURT: You may be excused.

2 A Thank you. Ya'll have a good day.

3 MR. FEAZELL: Call Willie Tomkins.

4 WILLIE E. TOMKINS,

5 THE WITNESS, AFTER FIRST BEING DULY CAUTIONED AND SWORN,

6 TESTIFIED TO HER OATH TO THE TRUTH, THE WHOLE TRUTH, AND

7 NOTHING BUT THE TRUTH AS TO THE FOLLOWING:

8 DIRECT EXAMINATION (REBUTTAL)

9 BY MR. FEAZELL:

10 Q State your name again, please, for the record?

11 A Willie Edward Tomkins.

12 Q And, you're the same Willie Edward Tomkins that has pre-  
13 viously been sworn and testified in this case, are you not?

14 A Yes, I am.

15 Q Now, Mr. Tomkins, you're already told this jury about the  
16 statements made to you by Muneer Deeb on or about the 14th or  
17 15th day of July, 1982?

18 A Yes, sir.

19 Q Did you have a later occasion to talk to Mr. Deeb regarding  
20 those specific statements?

21 A Yes, I did.

22 Q All right. Directing your attention to the 13th day of  
23 September -- on or about the 13th day of September, 1982, did  
24 you have occasion to have a conversation with him at that time?

25 A Yes, sir, I did.