

Thursday, April 5, 1984

Defense attorneys want more investigation funds

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Claiming that state investigators have spent at least \$100,000 following leads in the Lake Waco triple homicide case, court-appointed attorneys for four capital murder defendants asked Wednesday for more money to conduct their own investigation.

Testimony during the seventh day of pre-trial hearings centered on attempts by defense attorneys to show how much prosecutors and law enforcement officials have spent to crack the July 1982 stabbing deaths of three teenagers whose bodies were found near Lake Waco.

Attorneys have filed motions asking that 54th State District Judge George Allen appoint a special investigator for each defendant and increase the amount of money allotted each defendant by the Texas Code of Criminal Procedure.

State statutes say each defendant is entitled to at

least \$500 for each charge to help with the preparation of his defense. But attorneys told Allen that amount is insufficient to guarantee each man "due process of law and the right to adequate counsel."

David Wayne Spence, Muneer Mohammad Deeb, Gilbert Melendez and Anthony Melendez each are charged with three counts of capital murder in the deaths of Jill Montgomery and Raylene Rice, both of Waxahachie, and Kenneth Franks of Waco.

With three charges against each man, court-appointed attorneys will be allowed \$1,500 unless Allen increases the amount. The judge, who granted motions Wednesday allowing each defendant to hire a special investigator, is expected to rule Thursday morning on requests to increase investigative fees.

Each defendant has been appointed two attorneys, who receive \$350 for each day they appear in court.

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The lawyers are not compensated for preparation outside the courtroom.

Prosecutor Ned Butler called the arguments of the attorneys "ridiculous."

"To equate law enforcement with the right of a defendant to hire an investigator is as ridiculous an argument as I have ever heard," he said.

Butler and eight law enforcement officials who played key roles in the investigation testified Wednesday about their annual salaries, the amount of time and money they spent in-

vestigating the case and trips made to interview witnesses, potential suspects or forensic specialists.

Attorney Dick Kettler, who along with Rod Goble represents Gilbert Melendez, submitted into evidence about 20 bills paid by the county for fees during the murder probe.

The bills reflect that Dr. Homer Campbell, a forensic dental specialist who is expected to testify he can match bite marks found on the women victims with Spence's dental pattern, was paid \$2,300 for work done so far for the prosecution.

Butler was compensated about \$800 for three trips he made in 1983 to Albuquerque, N.M., to speak with Campbell, evidence indicates.

Dr. Robert Sullivan, a psychologist who examined Spence at the McLennan County Jail in an effort to determine if he has a "split personality," charged the county \$70 an hour for 14 hours he spent interviewing the suspect in October and August 1983.

Lt. Marvin Horton of the Waco Police Department testified he and two other officers spent \$3,700 during two trips to San Diego,

Calif., to interview a former McLennan Community College groundskeeper who once was considered a suspect in the Lake Waco killings.

Butler testified that the McLennan County district attorney's office paid \$526 to purchase a car owned by Spence so it could be searched by investigators for incriminating evidence.

Attorneys presented other evidence that the county and the city of Waco also paid for autopsy reports, photographs, gasoline, polygraph operators' fees, travel expenses for grand jury witnesses and laboratory costs.