

DA Reyna opposes DNA testing in Lake Waco murders

Waco Tribune-Herald (TX) - Friday, October 14, 2011

Author: *Cindy V. Culp Tribune-Herald staff writer*

The McLennan County District Attorney's office will oppose a request for new DNA testing in the decades-old Lake Waco triple murders case.

Waco attorney Walter M. Reaves filed a motion asking for the testing Wednesday. It is part of an effort to exonerate Anthony Melendez, the only living defendant in the 1982 slayings of three teenagers.

In the motion, Reaves argues the testing is warranted because DNA analysis was not available when Melendez was convicted. He pleaded guilty but has since recanted, claiming he falsely confessed because his lawyers told him he would almost certainly get the death penalty if he went to trial.

The motion does not ask the state to pay for the DNA testing. It only asks that 54th State District Judge Matt Johnson order the testing be done.

"There was no physical evidence that tied defendant to the scene, or established his guilt," Reaves wrote in the motion. "Over the last several years some of the evidence has been subjected to testing with limited success. Defendant believes that with new techniques now available, results can be obtained."

McLennan County District Attorney Abel Reyna said nothing in the motion convinces him new testing is warranted. He plans to oppose the request at a Dec. 2 hearing, he said.

"Just because DNA wasn't available at the time (Melendez) was convicted doesn't rule out every other piece of evidence set forth and rule out that he plead guilty to it and testified against a co- defendant," Reyna said.

Reyna said every request for post-DNA conviction must be carefully considered.

But in general, he doesn't support such testing because it overrides what a jury decided, he said.

In Melendez's case, his guilt was never weighed by a jury because he confessed, Reyna said. But even still, juries returned guilty verdicts for other defendants who did go to trial, he said.

"I will protect and defend what a McLennan County jury did," Reyna said. "Our

system is the best system in the world.”

More DNA requests

Another reason Reyna said he will oppose the motion is that agreeing to it would open the door to defendants in other cases flooding his office with testing requests.

“Your arm is going to cramp with how many . . . orders you’ll sign,” Reyna said.

Reaves said he is disappointed with Reyna’s stance. Although the United States has a great judicial system, mistakes are made, he said. He pointed to the nearly 300 DNA exonerations that have occurred across the country, including 45 in Texas.

The most recent exoneration occurred this week when Michael Morton, convicted in the 1986 slaying of his wife, was declared not guilty by the state’s top criminal court.

The district attorney in Williamson County, where Morton was convicted, opposed for six years the DNA testing that led to his release.

“If you have scientific evidence that can prove whether someone did it conclusively, why not use it?” Reaves said.

The pieces of evidence the motion requests be submitted for testing include items of clothing and shoes worn by the three teenage victims; shoelaces and cloth strips used to tie them up; evidence obtained during their autopsies, including fingernail clippings; and hairs found on the bodies.

Testing previously has been attempted on some of those items. But either it didn’t yield anything or the process was cut short because of a dispute with a private lab hired to do the testing.

That lab, Forensic Science Associates of Richmond, Calif., has claimed biological samples it extracted from evidence are its work product. It has refused to relinquish them, despite requests by Reaves and his partner in the exoneration effort, author Fredric Dannen. They want the extracts sent to another lab that performs a newer type of DNA testing.

The rest of the evidence — including items the samples were extracted from — is at the Tarrant County Medical Examiner’s Office. It has acted as a clearinghouse for the forensic testing since it began in 1999.

Defending suspects

Reaves and Dannen think Melendez, now 52, and his three co-defendants had no part in the murders.

The other defendants included Melendez's brother, Gilbert Melendez. He also pleaded guilty and got two life terms. He died in prison in 1998 of HIV complications.

Defendant David Wayne Spence was executed in 1997.

The fourth suspect, Muneer Deeb, was also initially sentenced to death. But he was acquitted at a 1993 re-trial. He died from cancer six years after being released.

Prosecutors said Deeb hired Spence to kill a teenager named Gayle Kelley so he could collect on a life insurance policy he had on her.

But Spence bungled the job, mistaking victim Jill Montgomery for Kelley, prosecutors said.

Montgomery, 17, was at Koehne Park at Lake Waco with friends Raylene Rice, 17, and Kenneth Franks, 18. They were killed because they were in the wrong place at the wrong time, authorities said.

The Melendez brothers helped Spence carry out the murders, as well as rape the girls, prosecutors said. The bodies of the teens, who were stabbed a total of 47 times, were found at Lake Waco's Speegleville Park.

The primary prosecutor in the case, Vic Feazell, and the main investigator, Truman Simons, maintain the right men were convicted. So do the majority of the victims' family members.

cculp@wacotrib.com

757-5744

Section: news

Record Number: 16577223

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