

Wednesday, July 4, 1984

Jury finds David Spence guilty

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A 54th State District Court jury, which stared into the tear-stained face of Jill Montgomery's mother throughout final jury summations, deliberated less than two hours Tuesday afternoon before finding David Wayne Spence guilty of capital murder in the 17-year-old Waxahachie girl's death.

"We are pleased with the verdict, but the job is only half done," said McLennan County District Attorney Vic Feazell, referring to the punishment phase of the trial. "It has been a lot of hard work and a lot of answered prayers."

Prosecutors will ask the jury of eight women and four men to sentence Spence to death when the punishment phase begins Thursday morning.

Feazell and Assistant District Attorney Ned Butler plan to call about nine witnesses Thursday to establish Spence's reputation as a violent lawbreaker, including a 19-year-old Waco man who was assaulted and sexually abused by Spence and Gilbert Melendez in September 1982.

Spence, 25, was given a 90-year prison term in March 1983 after being convicted of aggravated sexual abuse in the incident. Melendez, 29, also a defendant in the Lake Waco triple homicide case, pleaded guilty to the sexual abuse and was sentenced to seven years in prison.

Court officials predict that punishment phase testimony will last all day Thursday, with final arguments



David Wayne Spence

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Jury returns verdict in David Spence case

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beginning Friday morning.

Jurors have the option of sentencing Spence to death or a life prison term.

"We are naturally disappointed, but with all the pre-trial publicity, (the guilty verdict) was expected," said court-appointed defense attorney Hayes Fuller. "David had already been tried before we walked into the courtroom."

As Judge George Allen read the guilty verdict, Spence was solemn, shifting his eyes between the judge and jury as his mother, Juanita White, burst into tears.

Nancy Shaw, Miss Montgomery's mother, who cried as Feazell reviewed evidence that indicated the teens were tortured before they were killed, said she was pleased with the verdict.

"I feel very good with the verdict and feel like the angels have been with us. And if you have that, you have just about all you need," she said.

During final jury summations, Feazell pinpointed important pieces of evidence that led to the jury's verdict, including the testimony of present and former prison inmates who were incarcerated with Spence when he told them of the crime.

"It's been almost two years since the parents (of the victims) were notified — since they felt that pain that only a parent can understand. The pain that is going to echo throughout their lives for the rest of their days," Feazell said.

"And it's been almost two years since this community was shocked by the brutality of this crime. By his own mouth he admitted it, but not only did he admit it, he bragged about it numerous times," Feazell said.

Six men who spent time in either the McLennan County Jail or the Texas Department of Corrections with Spence testified that the defendant told them that he bound

Kenneth Franks and forced him to watch as he slashed Miss Montgomery and Raylene Rice with a knife, raped them and sexually abused them with a wooden stick he referred to as a "whoopie stick."

The state presented 39 witnesses during the 12-day trial, including the former business partner of Muneer Mohammad Deeb, also a defendant in the triple slaying.

Karim Quasem, a former co-owner with Deeb at the Rainbow Drive Inn Grocery, said he overheard Deeb ask Spence if he knew someone who could "get rid of" Gayle Kelly, a former Methodist Home resident who prosecutors say was the intended victim the night the teens were killed.

Quasem said he also was present when Deeb made himself the beneficiary of a \$20,000 insurance policy that Deeb took out on Miss Kelly three weeks before the triple slayings. Deeb reportedly offered to split the money with Spence if Miss Kelly was killed.

Prosecutors believe that Spence confused Miss Montgomery for Miss Kelly.

"It was the base of every human evil — money," Feazell said Tuesday. "Three dead children for the mere promise of money. The evidence shows that Jill was the lucky one because Jill died first and didn't have to watch Raylene and Kenneth die."

The defense presented six witnesses during the trial, including a forensic dental specialist who said that bite marks linked to Spence by a prosecution expert witness were of poor quality and of little use in attempting to identify the assailant.

Hunt and Fuller also attempted to discredit the testimony of the prison inmates during final summations, telling the jury that each was offered leniency in their sentences in exchange for lying about Spence during their testimony.