

# Jury Recessed Until Monday In Spence Trial

By CAMELIA FOSTER

The trial of David Wayne Spence charged with capital murder ground to a halt Thursday afternoon as possible defense witnesses were questioned in judges chambers and the jury was dismissed until Monday morning at 9 a.m.

The state rested their case shortly after lunch on Wednesday, at the completion of testimony by Dr.

Homer Campbell, an Albuquerque, N.M. a forensic dental specialist.

"In my opinion the dental models of the defendant's and the teeth marks made on the bodies of Raylene Rice and Jim Montgomery are the same," Dr. Campbell told the jury at the conclusion of his three-hours of testimony.

He termed the mark on

Ms. Montgomery's breast where the nipple was bitten off as the 'high quality bite.'

Spence, 25, is on trial for capital murder in the July 13, 1982 stabbing death of Ms. Montgomery. He has also been indicted for the deaths of Raylene Rice and Kenneth Franks. He could receive death by lethal injection or a life sentence for the crime if found guilty.

Dr. Campbell also said one of the bite marks on Ms. Rice's body was made by Spence.

Dr. Campbell said the first step is to try to exclude the bite mark as those of the suspect, then the next thing is to look for gross characteristics of teeth against injury.

"On photos I look for patterns of them I take the teeth molds and look for the same characteristics."

Using enlarged photos, Dr. Campbell explained to the eight woman four man jury, the characteristics of Spence's teeth plastic molds which show that one of his lateral incisors is

turned inward, giving it a distinct imprint. The marks of that tooth and two others formed the distinguishing marks on Ms. Montgomery's body. There were eight bite marks on her body, Dr. Campbell said.

Prior to Dr. Campbell's testimony, James Ebert also of Albuquerque testified that he was a professional in photogrammetry, which is the measurement from photographs using remote sensing.

Ebert explained to the jury how he used photogrammetry to distinguish the bite marks on the bodies. These photographs were then given to Dr. Campbell for his work on determination of who made the marks.

Jurors filed from the jury both to look closely at the enlarged photos presented into evidence by Dr. Campbell, with his markings showing the characteristics of the molds to the bite marks.

The defense is expected

to bring in a dental forensic specialist from California to testify Monday. He will testify that the bite marks found on Ms. Montgomery's body are to 'poor' quality to use for identification.

In an opening statement to the jury, court appointed defense attorney, Hayes Fuller said he would prove that Spence did not commit the crime and that the wrong person had been indicted. The defense will state that Spence has actually been working with the police and there is a possibility of a frame-up to convict him.

He said the bindings on the victims will reveal there is foreign pubic and head hair on the body of Ms. Montgomery that does not belong to Spence or any of the other three persons indicted in the murder, Muneer Deeb, Gilbert Melendez or Anthony Melendez.

Anthony Melendez has pleaded guilty to the murders of Franks and Jill

and has been subpoenaed by both the state and defense. He did not take the stand for the state and it is unknown if he will testify for the defense. He is in McLennan County Jail after being brought back to Waco from TDC. He was assessed two 90 year sentences for his part in the murders.

Fuller said the FBI lab tests will prove there are microscopic discrepancies in the hairs tested.

He also told the jury that the 1977 gold Malibu that Spence owned that summer had been disassembled and hair samples found were not those of the victims.

It has been alleged that the three teenagers were killed at Koehne Park and their bodies transferred to Speegleville Park where they found almost 24 hours later.

Called to testify by the defense Thursday morning were Lt. Bobby Fortuin and Det Ramon Salinas of the Waco Police Dept.

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# Defense To Refute Dentist Evidence

Martin H. Gustafson, assistant manager of Lake Waco employed by the Corp of Engineers testified to the condition of the fences around Speegleville

Park when the bodies were discovered.

He said there were no breaks and at the time the lake was above it conservation level. It is currently six feet below that level.

Given pictures taken four to five days after the murders, Gustafson noted a fence was down but said it was not at the time the bodies were found.

He also testified that the gate to the park is locked every night at 11 p.m. but that a large number of people have keys.

Under cross examining by District Attorney Vic Feazell, Gustafson admitted that pictures taken days later would have no bearing on the case.

Gustafson also replied in the affirmative when Feazell asked him if it would have been possible for the teenages to have been killed around 9:30 a.m. on July 13 and their bodies transported to the park before 11 p.m.

Lt. Marvin Horton, veteran Waco Policeman, testified that results from the Department of Public Safety and FBI labs doesn't indicate the foreign hairs

found on the bodies matches that of the four defendants.

Questioned by Ned Butler DA assistant assigned to the case by Feazell, Horton said he had attempted to talk with Russ Hunt, one of the court-appointed attorneys representing Spence, but that he refused to talk to him.

"I wanted to find out what I was to testify about," Horton said.

Mary Russel, a housewife and mother of the wife of Spence's brother Steve, was the next witness called. She related how she and her husband, Wendell, a chaplain at the VA Medical Center, went to Spence's apartment in August, 1982 to counsel with him after receiving a phone call from his girlfriend Christi.

"He appeared to be drunk and he kept saying he couldn't live without Christi," Mrs. Russel said. She was not sure if Christi had moved out of the Northwood Apartment or was in the process of moving.

She also testified that David and Christi both had walked 'down the aisle' and confessed, accepting Jesus Christ, in May, 1982. She

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and her husband are members of the South Waco Church of the Nazarene.

Mrs. Russell said David never mentioned the lake murders in her presence.

She was the last witness called to the stand.

Catherine Brieter was scheduled to testify but could not be found immediately, she did appear about 3:30 p.m. Thursday but Judge George Allen questioned her in chambers of 54th District Court where the case is being tried.

Later attorneys for the state and defense were called into chambers.

Courtroom speculation centers around the possibility that Ms. Brieter has information concerning rumors circulating that Spence did not commit the crime.

It is understood that if her testimony is heard before the juror three others supporting that testimony will be called. Otherwise defense attorneys say after their forensic specialists testifies only three other witnesses are to be called.

Judge Allen is considering letting the jury off for the July 4th holiday on Wednesday.